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



FROM: TLMA-Department of Environmental Programs

SUBMITTAL DATE:
August 29, 2006

SUBJECT: Agreement with Wintec Energy Inc. Concerning the Coachella Valley MSHCP

RECOMMENDED MOTION: Approve and authorize the Chairman of the Board to execute the attached Agreement with Wintec Energy Inc.

BACKGROUND: The County and Wintec Energy Inc. have worked cooperatively with the Coachella Association of Governments (CVAG) over the past few months to resolve concerns that Wintec Energy Inc. has with ensuring that wind energy activities, including operations, maintenance, repair, retrofitting and replacement of like kind wind energy equipment is compatible with the goals and objectives of the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP). The attached Agreement reflects the points of consensus that were reached between the County, Wintec, and CVAG.

The County agrees that any CVMSHCP fee for newly disturbed areas related to the location of siting wind turbines will be calculated solely based upon the net permanent, above ground displacement resulting from such projects. The County agrees to include this provision in any proposed ordinance that would impose the CVMSHCP.

Departmental Concurrence

FORM APPROVED
COUNTY COUNSEL

AUG 21 2006

for
Carolyn Syms Luna
Director Of Environmental Programs

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"/>

C.E.O. RECOMMENDATION: APPROVE

County Executive Office Signature

- Policy
- Consent
- Policy
- Consent
- Dep't Recomm.:
- Per Exec. Ofc.:

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Additionally, it is also understood that in the event Wintec replaces existing wind turbines with turbines of equal or greater size and the prior turbine pads are restored, then only the net increase of disturbance, if any, would constitute disturbance requiring additional take authorization under the CVMSHCP. Such activities will not require an allocation of take from the County.

Other provisions of the Agreement include that the County agree that wind energy operations on the Wintec property within the Conservation Areas as depicted in Exhibit "B" have no habitat values for the Covered Species and therefore no edge effects will occur from such operations.

In exchange, Wintec Energy Inc. have agreed not to challenge the CVMSHCP, the EIS/EIR or any other related approvals for the CVMSHCP in any administrative or judicial proceedings of any kind.