

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

365



FROM: TLMA-Environmental Programs Department

SUBMITTAL DATE:
September 18, 2007

SUBJECT: Memorandum of Understanding with the Coachella Association of Governments (CVAG) and the Coachella Valley Conservation Commission (CVCC) concerning the Coachella Valley Multiple Species Habitat Conservation (Plan) and the Coachella Valley Fringe-Toed Lizard Permit

RECOMMENDED MOTION: Approve and authorize the Chairman of the Board to execute the attached Memorandum of Understanding (MOU) with CVAG and the CVCC.

BACKGROUND: Since mid-July, CVAG staff has been working with the California Department of Fish and Game to develop an agreement regarding the Coachella Valley fringe-toed lizard (CVFTL) permit. The original Memorandum of Understanding dated March 21, 2001, as subsequently amended, and the Consistency Determination for the CVFTL were set to expire on August 31, 2007. After ongoing discussions with CDFG a meeting was held on August 30 including CVAG Chairman Richard Kite and Supervisor Marion Ashley with Curt Taucher, Regional Manager of the California Department of Fish and Game. At that meeting, CDFG agreed to a series of proposed conditions and benchmarks that must be met in order to maintain permit coverage for the CVFTL. The essential deal points from the negotiations with CDFG have been incorporated into an MOU, which is attached for your consideration. Among the key benchmarks included in the MOU are the following conditions:

1. The CVAG Executive Committee and CVCC shall consider approval of the MSHCP as well as the provisions contained in this MOU at their September 10, 2007 special joint meeting.

Carolyn Syms Luna

Carolyn Syms Luna, Director

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	N/A

SOURCE OF FUNDS: N/A	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE
BY: *Tina Grande*
Tina Grande

County Executive Office Signature

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD
 Departmental Concurrence
 FORM APPROVED COUNTY COUNSEL
 BY: *Karin L. Watts-Bazan* 9/21/07
 KARIN L. WATTS-BAZAN DATE

ep't Recomm.: Consent
 or Exec. Ofc.: Consent
 Policy
 Policy

3.62

- If the MSHCP and MOU are approved, the Consistency Determination will be extended until October 31, 2007
This condition has already been met.
- 2. The Cities, County and CVWD shall consider and approve the MSHCP and this MOU prior to October 31, 2007
 - If the MSHCP and MOU are approved by the Cities, County and CVWD, the Consistency Determination will be extended to March 15, 2008.

In addition to benchmarks toward approval of the MSHCP, other conditions in the MOU are targeted at maintaining and enhancing conservation provisions for the CVFTL. The following is a summary of the conditions which will need to be met as part of this MOU:

1. CVAG and CVCC, on behalf of the Local Permittees will acquire 100 acres of land to protect CVFTL habitat, and the sand source and sand transport areas required for the maintenance of CVFTL habitat. CVAG and CVCC shall use available funding sources, including but not limited to CVFTL fees, transportation funds, and grants.
2. CVAG and CVCC shall initiate by October 31, 2007 and complete by January 30, 2008 a financial audit of the CVFTL fees collected by the Center for Natural Lands Management since 2001.
3. The Cities and County shall continue to require payment of the CVFTL fee from September 1, 2007 through March 15, 2008.
4. CVAG and CVCC will begin work on and will submit an initial draft of the Implementation Manual which addresses CVFTL conservation to CDFG and the U.S. Fish and Wildlife Service by October 31, 2007.
5. **Public** projects will be responsible for paying the CVFTL fee. This condition includes a provision to acknowledge that the Cities, County and CVWD have no enforcement authority for public projects not within their jurisdiction.
6. The Cities and County will implement, to the extent allowed by law all of the conservation measures in the Final MSHCP (included as Appendix A) that apply to CVFTL. This condition is similar to one in the 2006 MOU; the measures listed in Appendix A are excerpted directly from the MSHCP and apply primarily to unincorporated areas.

The dates outlined in these conditions regarding approval of the MSHCP will allow us to move forward with completion of the Plan. Once all of the Permittees have approved the Plan, the state and federal Wildlife Agencies will complete their analysis and issue a permit decision. Every effort will be made to complete the Plan and obtain permits by the end of 2007/early 2008. It is anticipated that the MSHCP will be approved and state and federal permits will be issued on or before March 15, 2008.