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

**FROM:** TLMA - Environmental Programs Department

**SUBMITTAL DATE:**  
March 17, 2008

**SUBJECT:** Agreement with Wintec Energy, Inc., concerning the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP).

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

**BACKGROUND:** This is a revised agreement to one which was originally approved by the Board of Supervisors on August 29, 2006, but which was subsequently never signed by Wintec Energy, Inc. The County and the Coachella Valley Association of Governments (CVAG) have worked with Wintec Energy, Inc., over the past several months to revise the agreement in order to resolve concerns that Wintec Energy 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 CVMSHCP. The attached Agreement reflects the revised points of consensus that were reached between the County, Wintec Energy, and CVAG. Both CVAG and Wintec Energy have already taken action to sign the revised agreement.

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ATTACHMENTS FILED WITH THE CLERK OF THE BOARD  
FORM APPROVED COUNTY COUNSEL  
BY: Katharine A. Lind 03/20/08 DATE  
KATHERINE A. LIND

Departmental Concurrence

*[Signature]*  
for Carolyn Syms Luna  
Director Of Environmental Programs  
Tony Carstens for

<b>FINANCIAL DATA</b>	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

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

**C.E.O. RECOMMENDATION:** APPROVE  
*[Signature]*  
BY: Tina Grande  
County Executive Office Signature

Dept's Recomm.:  Consent  Policy  
Per Exec. Ofc.:  Consent  Policy

Form 11 – Agreement with Wintec Energy, Inc.

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Changes to the original agreement include clarifying language on the impacts of wind energy operations on Garnet Wash, and the agreement that CVAG will seek a clerical change to the CVMSHCP to address unclear language dealing with animal deaths due to above ground sources.

The following were some of the points of consensus continued from the original agreement:

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.

Additionally, it is also understood that in the event that Wintec replaces existing wind turbines with turbines of equal or greater size and the prior turbine pads are restored, 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.

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.