

**CVCC VOTING MEMBERS WILL RECEIVE A UNIQUE PANELIST LINK BY EMAIL.
PLEASE USE THIS LINK TO PARTICIPATE IN THIS MEETING.**



Pursuant to Assembly Bill 361 and the findings made by the CVCC, this meeting will only be conducted via video/teleconferencing.

COACHELLA VALLEY CONSERVATION COMMISSION MEETING AGENDA

**THURSDAY, JUNE 9, 2022
10:30 a.m.**

INSTRUCTIONS FOR PARTICIPATION

Members of the public may use the following link:

<https://us02web.zoom.us/j/88957156296?pwd=TDIERW1OR3Z6V3RpR3k4NEVxUXdiUT09>

Password: 055184

One Tap Mobile: US: +16699009128,,88957156296#

Dial In: +1 669-900-9128

Webinar ID: 889 5715 6296

Password: 055184

***This will provide listening access and ability to address the
CVCC when called upon.***

IF YOU ARE UNABLE TO CONNECT VIA DIAL IN OPTION, PLEASE CALL 760-346-1127

Public comment is encouraged to be emailed to the CVCC prior to the meeting via email to cvag@cvag.org by 5:00 pm on the day prior to the Commission meeting. Comments intended to be read aloud should be no more than 300 characters in length.

**THIS MEETING IS HANDICAPPED ACCESSIBLE.
ACTION MAY RESULT ON ANY ITEMS ON THIS AGENDA.**

1. **CALL TO ORDER** – Mayor Linda Evans, Chair

2. **ROLL CALL** – Jennifer Nelson

A. Member Roster

[4](#)

3. **AGENDA MODIFICATIONS (IF ANY)**

4. **PUBLIC COMMENTS ON AGENDA ITEMS**

Any person wishing to address the Coachella Valley Conservation Commission on items appearing on this agenda may do so at this time. At the discretion of the Chair, comments may be taken at the time items are presented. Please limit comments to 3 minutes.

5. **COMMISSION CHAIR/DIRECTOR ANNOUNCEMENTS**

6. **CONSENT CALENDAR**

A. Approve May 12, 2022 CVCC Meeting Minutes

[5](#)

B. Reaffirm that findings still exist, pursuant to Assembly Bill 361, and authorize continuation of remote teleconference/virtual meetings of the Coachella Valley Conservation Commission and its committees

[10](#)

C. Authorize the Chair and/or Executive Director to execute a letter of engagement with Best, Best & Krieger to provide legal services related to implementation of the Coachella Valley Multiple Species Habitat Conservation Plan at a cost not to exceed \$32,400 for July 1, 2022 through June 30, 2023

[11](#)

D. Authorize the Executive Director to enter into a no-cost memorandum of understanding with Oswit Land Trust for cooperative management of the Palm Hills and Rimrock properties

[18](#)

7. **DISCUSSION / ACTION**

A. Fiscal Year 2022/2023 Agency-Wide, Programs, and Individual Funds Budget – Claude Kilgore

[25](#)

Recommendation: Approve Resolution 2022-05 and adopt the CVCC Annual Budget for Fiscal Year 2022/2023

B. Contract with the University of California Riverside, Center for Conservation Biology to Implement Biological Monitoring – Tony Quiroz

[51](#)

Recommendation: Authorize the Executive Director to execute a contract with the University of California Riverside's Center for Conservation Biology to implement biological monitoring for the period from July 1, 2022 to June 30, 2023 at a cost not to exceed \$249,592

C. Acquisition of three parcels in the Edom Hill, Thousand Palms and Desert Tortoise Linkage Conservation Areas – Jim Karpiak

[63](#)

Recommendation: Approve Resolution 2022-06 for acquisition of three parcels consisting of approximately 64.86+/- acres in the Edom Hill, Thousand Palms and Desert Tortoise Linkage Conservation Areas at a combined cost not to exceed \$754,540, plus closing and transaction related costs not to exceed \$20,000, and authorize the Executive Director to execute all necessary contracts and take such other actions as necessary for the acquisitions

D. Maintenance Contract with Desert Recreation District – Kathleen Brundige

[70](#)

Recommendation: Authorize the Executive Director to enter into a contract with Desert Recreation District for not to exceed amount of \$95,000 through September 30, 2022 to provide maintenance and cleanup services on conservation properties, including fences, gates, boulders and signs; and authorize the Executive Director and/ or legal counsel to make minor modifications prior to contract execution

8. INFORMATION

A. Attendance Record

[80](#)

B. Contracts under \$25,000

[81](#)

C. 2021 Annual Report for the In-Lieu Fee Program

[82](#)

9. PUBLIC COMMENTS ON NON-AGENDA ITEMS

Any member of the public wishing to address the Commission on items of general interest within the purview of this Commission may do so at this time. Please limit comments to 2 minutes.

10. ANNOUNCEMENTS

Upcoming Meetings:

The next meeting of the **Coachella Valley Conservation Commission** will be held on Thursday, September 8, 2022, at 10:30 a.m. via Zoom webinar.

The next meeting of the **CVAG General Assembly** will be held on Monday, June 27, 2022, at 6 p.m. via Zoom webinar.

11. ADJOURN

Item 2A

**Coachella Valley Conservation Commission
Member Roster
2021 - 2022**



City of Cathedral City	Mayor Pro Tem Rita Lamb <i>Alternate: Mayor Ernesto Gutierrez</i>
City of Coachella	Mayor Steven Hernandez, Vice Chair <i>Alternate: Mayor Pro Tem Josie Gonzalez</i>
Coachella Valley Water District	Board Member Anthony Bianco
City of Desert Hot Springs	Mayor Pro Tem Gary Gardner <i>Alternate: Mayor Scott Matas</i>
Imperial Irrigation District	Director Alex Cardenas <i>Alternate: Director JB Hamby</i>
City of Indian Wells	Mayor Pro Tem Donna Griffith <i>Alternate: Councilmember Richard Balocco</i>
City of Indio	Councilmember Elaine Holmes <i>Alternate: Mayor Pro Tem Oscar Ortiz</i>
City of La Quinta	Mayor Linda Evans, Chair
Mission Springs Water District	Vice President Nancy Wright <i>Alternate: President Randy Duncan</i>
City of Palm Desert	Councilmember Kathleen Kelly <i>Alternate: Councilmember Gina Nestande</i>
City of Palm Springs	Councilmember Dennis Woods <i>Alternate: Mayor Lisa Middleton</i>
City of Rancho Mirage	Mayor Pro Tem Richard W. Kite <i>Alternate: Councilmember Steve Downs</i>
Riverside County	Supervisor Kevin Jeffries - District 1 <i>Alternate: Councilmember Glenn Miller, Indio</i> Supervisor Karen Spiegel – District 2 <i>Alternate: Mayor Pro Tem Kathleen Fitzpatrick, La Quinta</i> Supervisor Chuck Washington – District 3 <i>Alternate: Mayor Jan Harnik, Palm Desert</i> Supervisor V. Manuel Perez – District 4 <i>Alternate: Mayor Scott Matas, Desert Hot Springs</i> Supervisor Jeff Hewitt – District 5 <i>Alternate: President Russ Martin, Mission Springs Water District Board of Directors</i>

ITEM 6A

**Coachella Valley Conservation Commission
Meeting Minutes
May 12, 2022**



The audio file for this committee can be found at: <http://www.cvag.org/audio.htm>

1. **CALL TO ORDER** – The meeting was called to order by Chair Linda Evans, City of La Quinta, at 10:30 a.m. via Zoom, pursuant to the guidelines of Assembly Bill 361.
2. **ROLL CALL** – Roll call was taken and it was determined that a quorum was present.

Members Present

Mayor Pro Tem Rita Lamb
Mayor Steven Hernandez, Vice Chair
Board Member Anthony Bianco
Mayor Pro Tem Gary Gardner
Councilmember Elaine Holmes
Mayor Linda Evans, Chair
Vice President Nancy Wright
Councilmember Kathleen Kelly
Councilmember Dennis Woods
Councilmember Richard Kite
Councilmember Glenn Miller
Councilmember Kathleen Fitzpatrick
Mayor Jan Harnik
Supervisor V. Manuel Perez
Supervisor Jeff Hewitt

Agency

City of Cathedral City
City of Coachella (*Arrived at Item 4*)
Coachella Valley Water District
City of Desert Hot Springs
City of Indio
City of La Quinta
Mission Springs Water District
City of Palm Desert (*Arrived at Item 3*)
City of Palm Springs (*Arrived at Item 4*)
City of Rancho Mirage
Riverside County – District 1
Riverside County – District 2
Riverside County – District 3
Riverside County – District 4 (*Arrived at Item 4*)
Riverside County – District 5

Members Not Present

Mayor Pro Tem Donna Griffith
Director Alex Cardenas

City of Indian Wells
Imperial Irrigation District

Others Present

Tom Kirk
Claude Kilgore
Kathleen Brundige
Peter Satin
Elizabeth Paige
Erica Felci
Joanna Stueckle
Jennifer Nelson
Peter Satin
Emmanuel Martinez
Kevin Broadie
Tony Quiroz
Allen McMillen
Kristie Warack
Jim Karpiak
Pat Cooper

[illegible]

Paul Vollandghan
Erin Schaeffer
Erin Rode
Randy Bynder
Danielle Cane
Aimee ByardJoan Taylor
Eddy Konno
Brad Anderson
Randy Spevak

County of Riverside
CA Dept. of Fish and Wildlife
Desert Sun
Bighorn Institute
Bighorn Institute
Bighorn Institute
Sierra Club
Sky Valley

3. AGENDA MODIFICATIONS (IF ANY)

Chair Evans requested to move up Item 7B to accommodate schedules of Commissioners who had to leave the meeting early.

4. PUBLIC COMMENTS ON AGENDA ITEMS

Randy Bynder commented on the progress of the La Quinta Bighorn Sheep project (Item 8D) and asked to be invited to the future kick off meeting mentioned in the staff report.

Joan Taylor voiced her concerns on the lack of sheep population surveys and monitoring by the responsible agencies.

Danielle Cane voiced her support for the La Quinta Bighorn sheep project as many sheep have been injured or killed due to lack of fencing.

Brad Anderson expressed opposition on Item 6B, AB 361, and supported the efforts being made to protect the bighorn sheep population.

5. COMMISSION CHAIR / DIRECTOR COMMENTS

Executive Director Kirk commented on the progress of the construction of the Peninsular bighorn sheep project and provided an update on the closing of the Palm Hills acquisition. In response to Mayor Hernandez's question, Mr. Kirk indicated the Bureau of Land Management (BLM) is not part of current restoration plan but would request an update from BLM at a future meeting.

6. CONSENT CALENDAR

A. Approve April 14, 2022 CVCC Meeting Minutes

B. Reaffirm that findings still exist, pursuant to Assembly Bill 361, and authorize continuation of remote teleconference/virtual meetings of the Coachella Valley Conservation Commission and its committees

C. Approve CVCC's existing Investment Policy as CVCC Policy 22-01

- D. Appoint the CVCC Vice Chair as the primary delegate to the California Joint Powers Insurance Authority's Board of Directors, with the CVCC Auditor serving as the alternate, for the current and future years**

IT WAS MOVED BY COUNCILMEMBER KELLY AND SECONDED BY MAYOR PRO TEM GARDNER TO APPROVE THE CONSENT CALENDAR ITEMS.

THE MOTION CARRIED WITH 15 AYES AND 2 MEMBERS ABSENT.

Mayor Pro Tem Rita Lamb	Aye
Mayor Steven Hernandez	Aye
Board Member Anthony Bianco	Aye
Mayor Pro Tem Gary Gardner	Aye
Director Alex Cardenas	Absent
Mayor Pro Tem Donna Griffith	Absent
Councilmember Elaine Holmes	Aye
Mayor Linda Evans	Aye
Vice President Nancy Wright	Aye
Councilmember Kathleen Kelly	Aye
Councilmember Dennis Woods	Aye
Councilmember Richard Kite	Aye
Councilmember Glen Miller	Aye
Mayor Pro Tem Kathleen Fitzpatrick	Aye
Mayor Jan Harnik	Aye
Supervisor V. Manuel Perez	Aye
Supervisor Jeff Hewitt	Aye

7. DISCUSSION / ACTION

- B. Acquisition of one parcel in the Whitewater Floodplain Conservation Area – Jim Karpiak**

Jim Karpiak of the Coachella Valley Mountains Conservancy provided the staff report detailing the purchase of one parcel and responded to Commissioners' questions.

IT WAS MOVED BY SUPERVISOR PEREZ AND SECONDED BY COUNCILMEMBER HOLMES TO APPROVE RESOLUTION 2022-04 FOR ACQUISITION OF ONE PARCEL CONSISTING OF APPROXIMATELY 22.68+/- ACRES IN THE WHITEWATER FLOODPLAIN CONSERVATION AREA AT A COST NOT TO EXCEED \$130,000, PLUS CLOSING AND TRANSACTION RELATED COSTS NOT TO EXCEED \$5,000 AND AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE ALL NECESSARY CONTRACTS AND TAKE SUCH OTHER ACTIONS AS NECESSARY FOR THE ACQUISITION

THE MOTION CARRIED WITH 15 AYES AND 2 MEMBERS ABSENT.

Mayor Pro Tem Rita Lamb	Aye
Mayor Steven Hernandez	Aye
Board Member Anthony Bianco	Aye
Mayor Pro Tem Gary Gardner	Aye

Director Alex Cardenas	Absent
Mayor Pro Tem Donna Griffith	Absent
Councilmember Elaine Holmes	Aye
Mayor Linda Evans	Aye
Vice President Nancy Wright	Aye
Councilmember Kathleen Kelly	Aye
Councilmember Dennis Woods	Aye
Councilmember Richard Kite	Aye
Councilmember Glen Miller	Aye
Mayor Pro Tem Kathleen Fitzpatrick	Aye
Mayor Jan Harnik	Aye
Supervisor V. Manuel Perez	Aye
Supervisor Jeff Hewitt	Aye

A. CVCC's Audit for Fiscal Year 2020/21 and Related Reports –
Claude Kilgore

Claude Kilgore gave a brief update, and introduced Shannon Ayala from Davis Farr, who presented the recent audit findings. Member discussion followed.

IT WAS MOVED BY SUPERVISOR PEREZ AND SECONDED BY MAYOR HARNIK TO RECEIVE AND FILE THE AUDITED FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED JUNE 30, 2021, REPORT ON INTERNAL CONTROLS OVER FINANCIAL REPORTING, AND THE AUDITOR'S COMMUNICATION WITH THOSE CHARGED WITH GOVERNANCE

THE MOTION CARRIED WITH 15 AYES AND 2 MEMBERS ABSENT.

Mayor Pro Tem Rita Lamb	Aye
Mayor Steven Hernandez	Aye
Board Member Anthony Bianco	Aye
Mayor Pro Tem Gary Gardner	Aye
Director Alex Cardenas	Absent
Mayor Pro Tem Donna Griffith	Absent
Councilmember Elaine Holmes	Aye
Mayor Linda Evans	Aye
Vice President Nancy Wright	Aye
Councilmember Kathleen Kelly	Aye
Councilmember Dennis Woods	Aye
Councilmember Richard Kite	Aye
Councilmember Glen Miller	Aye
Mayor Pro Tem Kathleen Fitzpatrick	Aye
Mayor Jan Harnik	Aye
Supervisor V. Manuel Perez	Aye
Supervisor Jeff Hewitt	Aye

C. Update on the Peninsular Bighorn Sheep in the CVMSHCP Plan Area –
Erin Schaeffer, Wildlife Biologist for the California Department of Fish and Wildlife

Erin Schaeffer provided a presentation on the bighorn sheep monitoring program and recovery plan. Member discussion ensued with Ms. Schaeffer responding to Commissioners' questions. She confirmed she would share a copy of the presentation with the Commissioners.

No action was taken as this was an informational item.

8. INFORMATION - The following items were provided in the agenda for information only:

A. Attendance Record

B. Contracts under \$25,000

C. CVAG/CVCC Meeting Calendar for Fiscal Year 2022/23

D. Progress on the La Quinta Peninsular Bighorn Sheep Fence

E. Update on Agreement with Desert Hot Springs Police Department for Enforcement on CVCC Lands

F. CVCC Investment Report as of March 31, 2022

G. CVCC Unaudited Financial Statement as of March 31, 2022

KD Brundige gave a brief update on Item 8D at the request of Chair Evans.

9. PUBLIC COMMENTS ON NON-AGENDA ITEMS

Brad Anderson requested the Commission reconsider the decision to continue to meet virtually and expressed his thoughts on the Peninsular bighorn sheep fence project.

Eddy Konno, resident of Sky Valley voiced his concerns on protecting the Bighorn Sheep.

10. ANNOUNCEMENTS

Upcoming Meetings:

The next meeting of the **Coachella Valley Conservation Commission** will be held on Thursday, Thursday, June 9, 2022, at 10:30 a.m. via Zoom webinar.

The next meeting of the **CVAG General Assembly** will be on Monday, June 27, 2022, at 6 p.m. via Zoom webinar.

11. ADJOURN – The meeting was adjourned by Chair Evans at 11:44 a.m.

Respectfully submitted,
Jennifer Nelson, Clerk

ITEM 6B

Coachella Valley Conservation Commission
June 9, 2022



STAFF REPORT

Subject: Remote Teleconference/Virtual Meetings Pursuant to Assembly Bill 361

Contact: Jennifer Nelson, Executive Assistant/Clerk (jnelson@cvaq.org)

Recommendation: Reaffirm that findings still exist, pursuant to Assembly Bill 361, and authorize continuation of remote teleconference/virtual meetings of the Coachella Valley Conservation Commission and its committees

Background: All meetings of the Coachella Valley Conservation Commission are subject to the Ralph M. Brown Act (Gov. Code §§ 54950 *et seq.*) and must be open and public so that any member of the public may attend and participate in the meetings.

Starting in March 2020, Governor Newsom issued a series of executive orders aimed at preventing the spread of COVID-19, as it was determined that social distancing was an important factor addressing the pandemic. Among these were Executive Orders N-25-20, N-29-20 and N-35-20 (collectively, the “Brown Act Orders”) that waived the teleconferencing requirements of the Brown Act to allow legislative bodies to meet virtually.

On June 11, 2021, the Governor issued Executive Order N-08-21 to begin winding down some of the prior measures that were adopted to respond to COVID-19. Notably, this order rescinds the Brown Act Orders, effective September 30, 2021. On September 16, 2021, Governor Newsom signed Assembly Bill 361 (AB 361), which effective October 1, 2021, allows legislative bodies to meet virtually provided the legislative body makes specific findings.

Specific Findings Required under AB 361:

The CVCC has previously made the following findings pursuant to AB 361:

1. A statewide state of emergency is currently in place;
2. State or local officials have imposed or recommended measures to promote social distancing in connection with COVID-19; and
3. Meeting in person would present imminent risks to the health or safety of attendees.

With this item, CVCC staff is recommending the CVCC confirm these findings still exist and continue virtual meetings, pursuant to AB 361.

Fiscal Analysis: There are no additional costs to CVCC for hosting virtual meetings. Commission members are paid the same stipends as they would in person.

**Coachella Valley Conservation Commission
June 9, 2022**



STAFF REPORT

Subject: Engagement of Best, Best & Krieger for Legal Services

Contact: Kathleen Brundige, Director of Conservation (kbrundige@cvag.org)

Recommendation: Authorize the Chair and/or Executive Director to execute a letter of engagement with Best, Best & Krieger to provide legal services related to implementation of the Coachella Valley Multiple Species Habitat Conservation Plan at a cost not to exceed \$32,400 for July 1, 2022 through June 30, 2023

Background: Best, Best & Krieger (BB&K) assists the CVCC with various issues related to implementation of the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP). This includes issues related to the California Environmental Quality Act (CEQA), local development mitigation fee questions, and land management matters.

BB&K partners and associates provide legal counsel to CVCC on a variety of issues on an as-needed basis. CVCC matters currently are primarily handled by Ward Simmons. Mr. Simmons also has been assisting staff with legal review and consultation for cooperative management memorandums of understanding with partner agencies, as well as easement and encroachment issues.

Legal services provided by BB&K are authorized by a letter of engagement with CVCC. The Fiscal Year 2021/2022 letter of engagement expires on June 30, 2022. The attached letter of engagement dated May 25, 2022, provides for BB&K representation subject to the terms and fee arrangement described in the letter. BB&K continue to waive their COLA increase which otherwise could be applied to this extension under the 2012 initial agreement. As a result, there will be no rate increase for Fiscal Year 2022/2023. Staff is recommending CVCC continue the legal services by signing the new letter of engagement, which would provide services through June 30, 2023.

Fiscal Analysis: The letter of engagement would authorize \$32,400 for legal expenses through June 30, 2023. Currently, only \$7,404 has been charged to the contract for Fiscal Year 2021/2022, however, in the previous Fiscal Year 2020/2021, \$32,400 was required. Staff recommends that \$32,400 be available for the upcoming year, to provide for an increased need for legal review of agreements, easements, and encroachment issues as required. In addition to a contract with BB&K, some legal costs may be incurred for general counsel services through CVCC's agreement with CVAG. CVCC pays invoices from BB&K on a time and materials basis, so the cost identified is a not-to-exceed amount.

There is funding for these services in the CVCC budget for legal work and related professional services.

Attachment: Letter of Engagement with Best, Best & Krieger for Fiscal Year 2022/2023

Bend OR
(541) 382-3011

Indian Wells
(760) 568-2611

Irvine
(949) 263-2600

Los Angeles
(213) 617-8100

Ontario
(909) 989-8584



BEST BEST & KRIEGER
ATTORNEYS AT LAW

3390 University Avenue, 5th Floor, P.O. Box 1028, Riverside, CA 92502
Phone: (951) 686-1450 | Fax: (951) 686-3083 | www.bbklaw.com

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Ward H. Simmons
(951) 826-8366
ward.simmons@bbklaw.com
File No. 28501.00001

May 25, 2022

VIA E-MAIL

Tom Kirk
Director
Coachella Valley Conservation Commission
73-710 Fred Warning Drive, Suite 200
Palm Desert, CA 92260

Re: Renewal of Engagement of Best Best & Krieger LLP

Dear Mr. Kirk:

ABOUT OUR REPRESENTATION

Best Best & Krieger LLP is pleased to continue representation of Coachella Valley Conservation Commission ("CVCC") in matters pertaining to the Coachella Valley Multiple Species Habitat Conservation Plan ("MSHCP") and its implementation, as well as any litigation matters arising from the MSHCP. This letter constitutes our agreement setting the terms of our representation.

CONFIDENTIALITY AND ABSENCE OF CONFLICTS

An attorney-client relationship requires mutual trust between the client and the attorney. It is understood that communications exclusively between counsel and the client are confidential and protected by the attorney-client privilege.

To also assure mutuality of trust, we have maintained a conflict of interest index. The California Rules of Professional Conduct defines whether a past or present relationship with any party prevents us from representing CVCC. Similarly, your name will be included in our list of clients to ensure we comply with the Rules of Professional Conduct with respect to CVCC.

We have checked the following names against our client index: Coachella Valley Conservation Commission, Coachella Valley Association of Governments, Mary Justice, County of Riverside, Coachella Valley Water District, Riverside County Regional Park and Open Space District, Riverside County Flood Control and Water Conservation District, Riverside County Waste Resources Management District, Desert Water Agency, Imperial Irrigation District,



Tom Kirk, Director
Coachella Valley Conservation Commission
May 25, 2022
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Coachella Valley Mountains Conservancy, Coachella Valley Recreation and Parks District, City of Desert Hot Springs, City of Indio, City of Palm Springs, City of Cathedral City, City of Indian Wells, City of Coachella, City of La Quinta, City of Palm Desert, City of Rancho Mirage, Fish and Wildlife Service of U.S. Department of the Interior, California Department of Fish and Game, California Department of Parks and Recreation, California Department of Transportation, Tim Blixeth (aka Tim Blixseth), Edra Blixeth (aka Edra Blixseth), Steven H. Christensen, Deborah L. Duncan as trustee of the Deborah L. Duncan Trust, Frederick W. Noble, DHS Development Inc., DHS Investment Properties, FPL Wind Energy, Lumkes Family Trust, Landmark Properties U.S. Inc., Nott Family Trust, Palm Desert Heights LLC, SCC Acquisitions Inc., Wind Energy Partnership LLP, Wintec Energy Ltd., US Bureau of Land Management, Christopher Sutton, Desert Community Energy and Tanner Altizer. You should note that we also represent the City of Indian Wells, the City of Palm Desert, the County of Riverside and the Coachella Valley Water District in unrelated matters. We have obtained conflict waivers from those entities identified as having a potential conflict. Based on this, we can represent you. Please review the list to see if any other persons or entities should be included. If you do not tell us to the contrary, we will assume that this list is complete and accurate. We request that you update this list for us if there are any changes in the future.

YOUR OBLIGATIONS ABOUT FEES AND BILLINGS

For this year, we have waived the cost of living increase provided in the engagement letter dated December 12, 2012. Therefore, our rates will continue to be as follows: partners and of counsel will be billed at \$319.00 per hour, senior associates will be billed at \$290.00 per hour, junior associates will be billed at \$239.00 per hour and paralegals will be billed at \$170.00 per hour. The rates set forth herein shall be adjusted on January 1st of each calendar year for cost of living as shown by the U.S. Department of Labor in its All Urban Consumers Index as set forth for the Riverside-San Bernardino-Ontario area.

The billing policies are described in the memorandum attached to this letter, entitled "Best Best & Krieger LLP's Billing Policies." You should consider the Billing Policies memorandum part of this agreement as it binds both of us. For that reason, you should read it carefully. CVCC has at this time budgeted \$32,400.00 through June 30, 2023 for legal advice and litigation services. In the event of unusual circumstances that would require significantly more time expended, we will seek prior approval from CVCC before the work is performed. Please let me know if I can provide you with any additional information.

INSURANCE

We understand that you are not now insured or have any insurance that may cover potential liability or attorneys' fees in this case. If you think you may have such insurance, please notify me immediately.



Tom Kirk, Director
Coachella Valley Conservation Commission
May 25, 2022
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We are also pleased to let you know that Best Best & Krieger LLP carries errors and omissions insurance with Lloyd's of London. After a standard deductible, this insurance provides coverage beyond what is required by the State of California.

NEW MATTERS

When we are engaged by a new client on a particular matter, we are often later asked to work on additional matters. You should know that such new matters will be the subject of a new signed supplement to this agreement. Similarly, this agreement does not cover and is not a commitment by either of us that we will undertake any appeals or collection procedures. Any such future work would also have to be agreed upon in a signed supplement.

CIVILITY IN LITIGATION

In litigation, courtesy is customarily honored with opposing counsel, such as extensions to file pleadings or responses to other deadlines. In our experience, the reciprocal extension of such courtesies saves our clients' time and money. By signing this letter you will be confirming your approval of this practice in your case.

HOW THIS AGREEMENT MAY BE TERMINATED

You, of course, have the right to end our services at any time. If you do so, you will be responsible for the payment of fees and costs accrued but not yet paid, plus reasonable fees and costs in transferring the case to you or your new counsel. By the same token, we reserve the right to terminate our services to you upon written notice, order of the court, or in accordance with our attached Billing Policies memorandum. This could happen if you fail to pay our fees and costs as agreed, fail to cooperate with us in this matter, or if we determine we cannot continue to represent you for ethical or practical concerns.

CLIENT FILE

If you do not request the return of your file, we will retain your file for five years. After five years, we may have your file destroyed. If you would like your file maintained for more than five years or returned, you must make separate arrangements with us.

THANK YOU

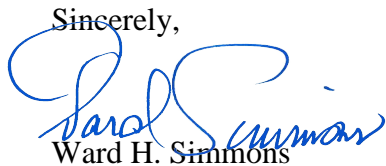
On a personal note, we are pleased that you have selected Best Best & Krieger LLP to continue to represent CVCC. We look forward to a long and valued relationship with you and appreciate your confidence in selecting us to represent CVCC in these matters. If you have any questions at any time about our services or billings, please do not hesitate to call me.

BBK
BEST BEST & KRIEGER
ATTORNEYS AT LAW

Tom Kirk, Director
Coachella Valley Conservation Commission
May 25, 2022
Page 4

If this letter meets with your approval, please sign and date it, and return the original to us.

Sincerely,



Ward H. Simmons
of BEST BEST & KRIEGER LLP

WHS:smb

AGREED AND ACCEPTED:

COACHELLA VALLEY CONSERVATION
COMMISSION

By: _____

Coachella Valley Conservation Commission Chair

Dated: _____

BEST BEST & KRIEGER LLP'S BILLING POLICIES

Our century of experience has shown that the attorney-client relationship works best when there is mutual understanding about fees, expenses, billing and payment terms. Therefore, this statement is intended to explain our billing policies and procedures. Clients are encouraged to discuss with us any questions they have about these policies and procedures. Clients may direct specific questions about a bill to the attorney with whom the client works or to our Accounts Receivable Department (accounts.receivable@bbklaw.com). Any specific billing arrangements different from those set forth below will be confirmed in a separate written agreement between the client and the firm.

INVOICE AND PAYMENT OPTIONS

Best Best & Krieger strives to meet our clients' needs in terms of providing a wide variety of invoice types, delivery and payment options. Please indicate those needs including the preferred method of invoice delivery (Invoice via Email; or USPS). In addition, accounts.receivable@bbklaw.com can provide a W-9 upon request and discuss various accepted payment methods.

FEES FOR PROFESSIONAL SERVICES

Unless a flat fee is set forth in our engagement letter with a client, our fees for the legal work we will undertake will be based in substantial part on time spent by personnel in our office on that client's behalf. In special circumstances which will be discussed with the client and agreed upon in writing, fees will be based upon the novelty or difficulty of the matter, or the time or other special limitations imposed by the client.

Hourly rates are set to reflect the skill and experience of the attorney or other legal personnel rendering services on the client's behalf. All legal services are billed in one-tenth of an hour (0.10/hour) or six-minute increments. Our attorneys are currently billed at rates from \$235 to \$850 per hour, and our administrative assistants, research assistants, municipal analysts, litigation analysts, paralegals, paraprofessionals and law clerks are billed at rates from \$175 to \$295 per hour for new work. These rates reflect the ranges in both our public and our private rates. These hourly rates are reviewed annually to accommodate rising firm costs and to reflect changes in attorney status as lawyers attain new levels of legal experience. Any increases resulting from such reviews will be instituted automatically and will apply to each affected client, after advance notice.

Non-Attorney Personnel: BBK may employ the services of non-attorney personnel under the supervision of a BBK attorney in order to perform services called for in the

legal services agreement. The most common non-attorney personnel utilized are paralegals. Other types of non-attorney personnel include, but are not limited to, case clerks, litigation analysts, and specialty consultants. The client agrees that BBK may use such non-attorney personnel to perform its services when it is reasonably necessary in the judgment of the responsible BBK attorney. Hourly fees for non-attorney personnel will be charged at the rate then in effect for such personnel. A copy of BBK's current rates and titles for non-attorney personnel will be provided upon request.

FEES FOR ELECTRONICALLY STORED INFORMATION ("ESI") SUPPORT AND STORAGE

BBK provides Electronically Stored Information ("ESI") services for matters requiring ESI support – typically litigation or threatened litigation matters. BBK provides services for basic ESI processing and storage at the following rates per month based on the number of gigabytes of data ("GB") processed and stored:

1GB -250GB:	\$10 per GB
251GB - 550GB:	\$8 per GB
551GB - 750GB:	\$6 per GB
751GB - 1TB:	\$4 per GB

The amount BBK charges for basic processing and storage of ESI allows BBK to recover the costs of providing such services, plus a net profit for BBK. BBK believes that the rates it charges for processing and storage are lower than comparable services available from third party vendors in the market. If you wish to contract separately with a third party vendor for processing and storage costs, please notify BBK in writing. BBK also provides advanced ESI processing services at hourly rates for personnel in its Litigation Support Group. A copy of BBK's current rates for such services will be provided upon request. BBK shall not incur costs for ESI support on a particular matter without first confirming by email or written correspondence with the client that the client agrees such services are necessary for the matter at hand.

FEES FOR OTHER SERVICES, COSTS AND EXPENSES

We attempt to serve all our clients with the most effective support systems available. Therefore, in addition to fees for professional legal services, we also charge separately for some other services and expenses to the extent of their use by individual clients. These charges include but are not limited to, mileage at the current IRS approved rate per mile, extraordinary telephone and document delivery charges, copying charges, computerized research, court

filing fees and other court-related expenditures including court reporter and transcription fees. No separate charge is made for secretarial or word processing services; those costs are included within the above hourly rates.

We may need to advance costs and incur expenses on your behalf on an ongoing basis. These items are separate and apart from attorneys' fees and, as they are out-of-pocket charges, we need to have sufficient funds on hand from you to pay them when due. We will advise the client from time to time when we expect items of significant cost to be incurred, and it is required that the client send us advances to cover those costs before they are due.

ADVANCE DEPOSIT TOWARD FEES AND COSTS

Because new client matters involve both a substantial undertaking by our firm and the establishment of client credit with our accounting office, we require an advance payment from clients. The amount of this advance deposit is determined on a case-by-case basis discussed first with the client, and is specified in our engagement letter.

Upon receipt, the advance deposit will be deposited into the firm's client trust account. Our monthly billings will reflect such applications of the advance deposit to costs and not to attorney's fees (unless otherwise noted in our accompanying engagement letter). At the end of engagement, we will apply any remaining balance first to costs and then to fees. We also reserve the right to require increases or renewals of these advanced deposits.

By signing the initial engagement letter, each client is agreeing that trust account balances may be withdrawn and applied to costs as they are incurred and to our billings, when we issue our invoice to the client. If we succeed in resolving your matter before the amounts deposited are used, any balance will be promptly refunded.

MONTHLY INVOICES AND PAYMENT

Best Best & Krieger LLP provides our clients with monthly invoices for legal services performed and expenses incurred. Invoices are due and payable upon receipt.

Each monthly invoice reflects both professional and other fees for services rendered through the end of the prior month, as well as expenses incurred on the client's behalf that have been processed by the end of the prior month. Processing of some expenses is delayed until the next month and billed thereafter.

Our fees are not contingent upon any aspect of the matter and are due upon receipt. All billings are due and payable within ten days of presentation unless the full amount is covered by the balance of an advance held in our

trust account. If a bill is not paid within 30 days, a late charge of one percent per month on the unpaid invoice may be added to the balance owed, commencing with the next statement and continuing until paid.

It is our policy to treat every question about a bill promptly and fairly. It is also our policy that if a client does not pay an invoice within 60 days of mailing, we assume the client is, for whatever reason, refusing to pay. We reserve the right to terminate our engagement and withdraw as attorney of record whenever our invoices are not paid. If an invoice is 60 days late, however, we may advise the client by letter that the client must pay the invoice within 14 days or the firm will take appropriate steps to withdraw as attorney of record. If the delay is caused by a problem in the invoice, we must rely upon the client to raise that with us during the 14-day period. This same policy applies to fee arrangements which require the client to replenish fee deposits or make deposits for anticipated costs.

From time to time clients have questions about the format of the bill or description of work performed. If you have any such questions, please ask them when you receive the bill so we may address them on a current basis.

CHANGES IN FEE ARRANGEMENTS AND BUDGETS

It may be necessary under certain circumstances for a client to increase the size of required advances for fees after the commencement of our engagement and depending upon the scope of the work. For example, prior to a protracted trial or hearing, the firm may require a further advance payment to the firm's trust account sufficient to cover expected fees. Any such changes in fee arrangements will be discussed with the client and mutually agreed in writing.

Because of the uncertainties involved, any estimates of anticipated fees that we provide at the request of a client for budgeting purposes, or otherwise, can only be an approximation of potential fees.

BEST BEST & KRIEGER LLP

Coachella Valley Conservation Commission
June 9, 2022



STAFF REPORT

Subject: Cooperative Management of the Palm Hills Properties and Trailhead

Contact: Kathleen Brundige, Director of Conservation (kbrundige@cvag.org)

Recommendation: Authorize the Executive Director to enter into a no-cost memorandum of understanding with Oswit Land Trust for cooperative management of the Palm Hills and Rimrock properties

Background: In November 2021, the CVCC approved the acquisition of 3,218 acres in the mountains above the City of Palm Springs. The property, known as Palm Hills, is the CVCC's largest single acquisition. CVCC closed on the nine parcels in April 2022. A few months earlier, in December 2021, CVCC closed on the trailhead property known as Rimrock near the Rimrock Shopping Center. The land is situated within the Santa Rosa and San Jacinto National Monument and US Fish and Wildlife Service's Peninsular bighorn sheep essential habitat boundaries.

Acquiring the property has been a goal since the early 2000s. The CVCC's acquisition was part of a joint effort with conservation partners to preserve approximately 3,457 acres of land. Oswit Land Trust also closed on 238.56 acres adjacent to the conservation area. If the land had been developed, it would have been detrimental not only for the bighorn sheep that frequent the area but also for the broader linkage and connections used by other species and for the habitat values of nearby conservation properties.

Purchase of the property will allow for use as a nature preserve with recreational options, which is consistent with habitat values in perpetuity to advance the goals and objectives of the Coachella Valley Multiple Species Habitat Conservation Plan. Palm Hills is mostly mountainous vacant land and is situated above Highway 111 in Palm Springs. It is a spectacular property containing critical habitat not just for the bighorn sheep, but also for the desert tortoise and other covered species. Because of its scenic character, the property offers future opportunities for the local community through the improvement of recreational trails. It is home to the Mountain Bike Splendor Trail and a spiderweb of trails that have not been managed, which are collectively called the Goat Trails. The area is frequented by hikers on their way to the nearby McManus, Eagle Canyon, and Clara Burgess trails, and CVCC ownership will facilitate future removal of unwanted social trails and management of recreational uses to support better protection of habitat values.

CVCC staff developed a draft Memorandum of Understanding (MOU) for Cooperative Management goals on the properties, including the Goat Trails. The MOU is based on similar agreements CVCC has for management, and it has been reviewed by legal counsel. Under the terms, Oswit will assist with the management of the property to restore habitat that has been damaged by bicycle and social trails. The MOU will allow for Oswit and CVCC to better manage threats and issues on the properties, better design directional and safety signage for the trail and trailhead, and assist with the upkeep of the properties, including monitoring and enforcement. CVCC will also work with Oswit

to begin the extensive restoration process of the Goat Trails in consultation with the Trails Management Subcommittee for areas off the authorized trail that have been damaged by cross-country use. CVCC will also provide materials and signage for land management coordination.

CVCC staff continues to evaluate the extent of restoration needs on the property. This process that will continue through the fall. If more work is needed beyond the terms of this MOU, staff will return to the CVCC with additional recommendations.

Fiscal Impact: There is no cost to the CVCC for the cooperative management of the properties. Oswit Land Trust anticipates using its network of volunteers to accomplish this task. Should the restoration

Routine costs will be incurred for signage, barriers and other restoration of the property, particularly the trailhead. Funding is available in the CVCC's Land Acquisition – Land Improvement Fund to provide these improvements.

Contract Finalization: Upon the CVCC's approval, the Executive Director will negotiate and execute all necessary contracts and documents, pending legal review, and take such other actions as required to affect the execution of the MOU.

Attachment:

1. Draft Memorandum of Understanding with Oswit Land Trust for Cooperative Management of the Palm Hills Properties
2. Map of Properties and Goat Trails

MEMORANDUM OF UNDERSTANDING
Between
Oswit Land Trust and Coachella Valley Conservation Commission
Regarding Cooperative Management of the Palm Hills, Rimrock and Goat Trails
Properties

This Memorandum of Understanding ("MOU") is made and effective as of _____, 2022 among Oswit Land Trust ("Oswit") and the Coachella Valley Conservation Commission ("CVCC") (collectively the "Parties") for the cooperative management of several parcels (described herein as the "Properties") located in and adjacent to the Santa Rosa and San Jacinto Mountains Conservation Area, known as "Palm Hills" and "Rimrock", that are owned by Oswit or by the CVCC.

RECITALS

WHEREAS, Oswit Land Trust is a 501(c)(3) non-profit land trust based in the Coachella Valley whose mission includes the conservation of important resource lands in the Coachella Valley; and

WHEREAS, CVCC is a joint powers authority responsible for implementing the Coachella Valley Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan ("CVMSHCP") a multi-jurisdictional habitat conservation plan that addresses biological and ecological diversity conservation needs in eastern Riverside County, setting aside significant areas for the conservation of sensitive habitats; and

WHEREAS, Oswit owns land adjacent to Rimrock and Palm Hills parcels outside the Conservation Area acquired to conserve the Properties' biological, cultural, scenic, scientific, and recreational values; and

WHEREAS, Oswit's acquisition of Properties adjacent to the Conservation Area in Palm Hills helps to buffer from edge effects, and will provide support for the CVMSHCP Public Use and Trails Management on Reserve Lands within the Santa Rosa and San Jacinto Mountains Conservation Area ("Trails Plan") by reducing impacts from social trails and bicycles on the surrounding ecosystems; and

WHEREAS, CVCC owns and will continue to acquire Properties in the Palm Hills area of Palm Springs to fulfill the requirements of the CVMSHCP to conserve the Properties' biological and ecological value; and

WHEREAS, the above described Oswit land, as well as CVCC land owned and acquired during the term of this MOU, are henceforth herein collectively designated as the Properties; and

WHEREAS, Oswit and CVCC have limited budgets and staff and volunteer capacity for management of the Properties; and

WHEREAS, cooperative and coordinated management among Oswit and CVCC will create efficiencies and enhance each entity's management capabilities and effectiveness; and

WHEREAS, Oswit and CVCC desire to identify ways in which they intend to cooperate in the stewardship of the Properties, including the "Rimrock" trailhead and "Goat Trails System" which currently exist on the Properties and are identified in the Public Use and Trails Management on Reserve Lands within the Santa Rosa and San Jacinto Mountains Conservation Area ("Trails Plan" as defined in CVMSHCP- Section 7.3.3.2) ;

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, the Parties agree as follows:

1. EFFECTIVE DATE: This MOU is effective as of _____, 2022, having been executed by all Parties.
2. OSWIT SHALL:
 - a. Coordinate with CVCC to assess the Properties for management threats based on location, access, known threats, resource sensitivity, and other factors that may be identified from time to time.
 - b. Coordinate with CVCC to monitor the Properties utilizing staff and trained volunteers on a regular basis, which may vary from parcel to parcel depending on management risk and availability of personnel.
 - c. Coordinate with CVCC to undertake management actions identified as necessary through the monitoring to protect the resource values which the Properties were acquired to conserve. Management actions may include installing signage, trail markers, boundaries, vertical mulching, or other measures to prevent trespass, clean-up of dumped materials, removal of graffiti, actions to remove or control invasive species, and coordination with enforcement agencies.
 - d. Recruit and train volunteers to provide stewardship (monitoring and management) of the Properties.
 - f. Provide an annual, or more frequent, report to CVCC summarizing Oswit's stewardship activities since the prior report and goals for the next time period.
3. CVCC SHALL:
 - a. Coordinate with Oswit to assess all Properties for management risk based on location, access, known threats, resource sensitivity, and other factors that may be identified from time to time.
 - b. Coordinate with Oswit to monitor the Properties utilizing its staff and volunteers, as available, on a regular basis, which may vary from parcel to parcel depending on management risk and availability of personnel.
 - c. Coordinate with Oswit to undertake management actions identified as necessary through the monitoring to protect the resource values which the Properties were acquired to conserve. Management actions may include

installing signage, trail markers, boundaries, vertical mulching, or other measures to prevent trespass, clean-up of dumped materials, removal of graffiti, actions to remove or control invasive species, and coordination with enforcement agencies.

- d. Provide signage and other support for management in compliance with the CVMSHCP Trails Plan.
- e. Coordinate with Oswit to provide opportunities for and promote volunteer participation in stewardship (monitoring and management) of the Properties.
- f. Coordinate with Oswit to include their stewardship activities in the CVCC database developed by CVCC to track stewardship activities for the CVMSHCP Reserve System.
- g. Provide the annual report CVCC prepares consistent with the requirements of the CVMSHCP to Conservancy and Oswit; the CVMSHCP annual report summarizes CVCC stewardship activities for a given year and goals for the next time period.
- e. Recognize the existence of this MOU in any future Grant Agreements for acquisition or capital projects with Oswit and/or state agencies.
- f. Notwithstanding any other provisions herein, all management actions undertaken by CVCC on the Properties will be consistent with the CVMSHCP and the Trails Plan.

5. GENERAL PROVISIONS:

a. COOPERATION: The Parties agree to cooperatively develop the overall management strategies to be implemented by the Parties for the Properties.

b. MUTUAL COMMITMENT: It is understood that the CVCC commitments as set forth in this MOU are contingent on Oswit's continued fulfillment of all of their respective commitments contained herein. Likewise, Oswit's commitments are contingent on CVCC's continued fulfillment of all their respective commitments contained herein. The failure by a Party to continue to fulfill its commitments in any material way will relieve any of the other Parties of any obligations to continue to honor their respective commitments as set forth above.

If one Party believes that one of the other Parties may fail or has failed to fulfill all of its commitments contained herein, the Parties shall promptly meet in an effort to resolve the alleged failure such that all Parties agree to continue to fulfill all of their commitments contained herein.

c. INDEPENDENT CONTRACTOR: Oswit, and any of its staff and/or volunteers, shall perform the services required under this MOU as an independent contractor. Oswit staff and volunteers assigned to provide services under this MOU on behalf of Oswit shall be under the exclusive control of Oswit and shall remain employees of Oswit and not employees of CVCC. By virtue of this independent contractor provision and understanding, CVCC shall not be considered a joint employer of Oswit staff and/or volunteers.

d. COMPLETE AGREEMENT: Subject to the terms of all other agreements involving the Parties hereto, this MOU contains the complete agreement of Oswit and CVCC in regards to the subject matter of this MOU and there are no other agreements,

oral or written except as are included within the terms of this MOU. Any amendments or clarifications to this MOU must be in writing executed by all Parties.

e. ASSIGNMENT: Neither this MOU or any of the duties or obligations hereunder shall be assigned by Oswit without the prior written consent of CVCC.

SEVERABILITY: Should any provision of this MOU be found to be void or unenforceable, it shall be severable from the rest of this MOU and the remaining terms shall be enforced as if the unenforceable term had not existed.

f. MUTUAL DRAFTING: This MOU shall be deemed to have been drafted by all Parties, with each having equal say and status. In no event shall any term be interpreted more favorable as to one Party or another.

g. TERM: Any party may withdraw from this MOU upon five days written notice to the other Parties, in which case the MOU shall continue in effect as to the remaining Parties; otherwise, this MOU shall remain in effect until terminated by the mutual written consent of the then-remaining Parties.

h. LIMITATIONS: Except as specified in the MOU, nothing in this MOU shall be construed as giving Oswit or CVCC the right or ability to bind the other or create any joint liability as regards the activities under this MOU. Nothing herein shall be construed as obligating the Parties to expend or be involved in any contract or other obligation for the future payment of money in excess of the appropriations authorized by law and administratively allocated for these projects. Nothing in this MOU shall be construed as limiting Oswit's ability to convey ownership of any the Properties it owns to another conservation entity as long as such conveyance complies with the terms of the various Grant Agreements, and nothing in this MOU shall be construed as abrogating or altering any of the terms or conditions set forth in any Grant Agreements or other agreements made by the Parties. Likewise, nothing herein in this MOU shall be construed as limiting CVCC's ability to convey ownership of any the Properties it owns to another conservation entity as long as such conveyance complies with the terms of the CVMSHCP.

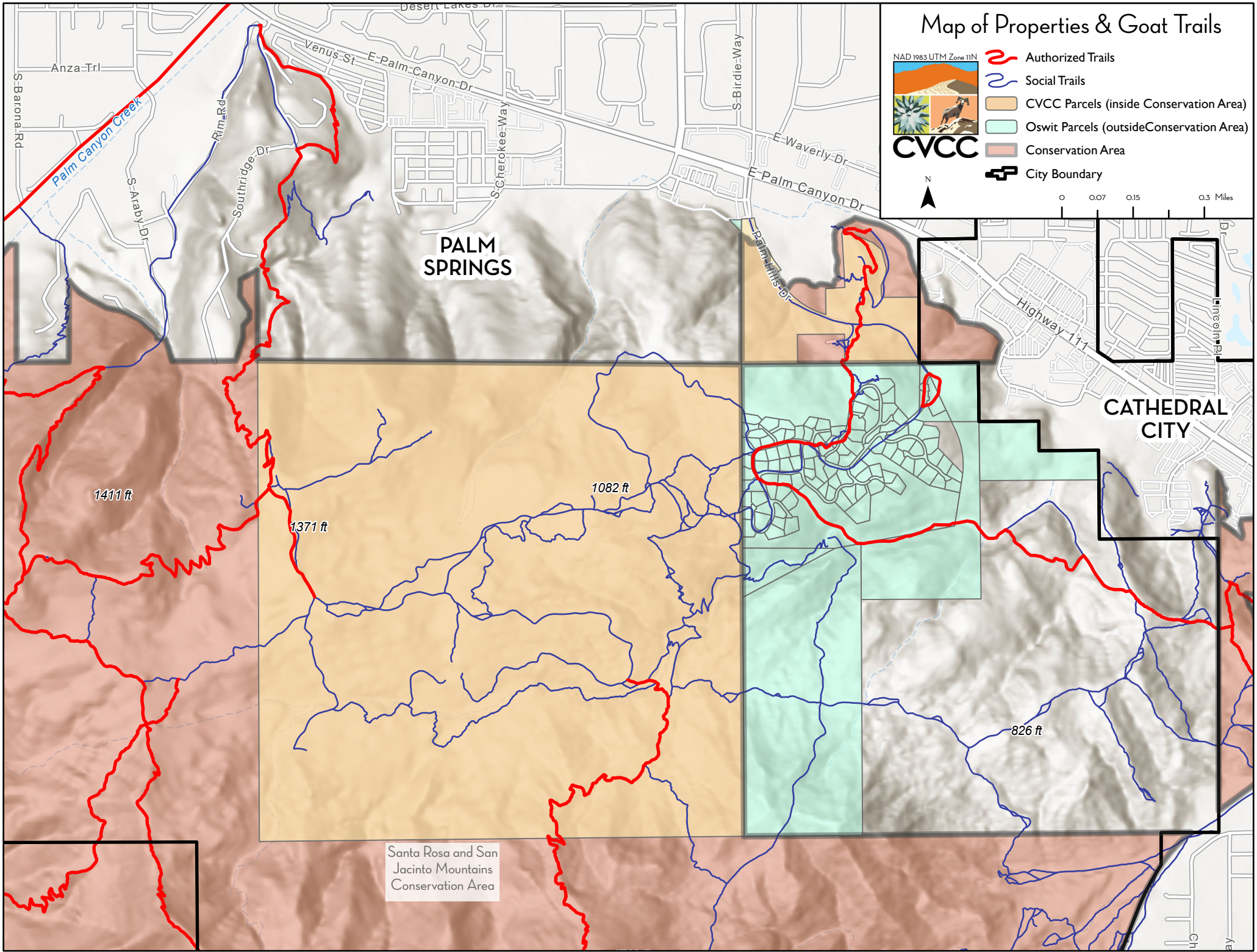
i. RECITALS AND EXHIBITS: The above recitals and all attached exhibits are incorporated herein by this reference.

j. THIRD PARTY BENEFICIARIES: Nothing in this MOU shall be construed to confer any rights upon any party not a signatory to this MOU.

k. PRIVILEGES AND IMMUNITIES: Notwithstanding anything to the contrary in this MOU, none of the Parties waives any of the privileges and immunities from liability, exemptions from laws, ordinances and rules, or any pension, relief, disability, worker's compensation and/or any other benefits which apply to the activity of officers, agents or employees of any other Party.

Tom Kirk
Executive Director
Coachella Valley Conservation Commission

Jane Garrison
Executive Director
Oswit Land Trust



ITEM 7A

Coachella Valley Conservation Commission June 9, 2022



STAFF REPORT

Subject: Fiscal Year 2022/2023 Agency-Wide, Programs, and Individual Funds Budget

Contact: Claude T. Kilgore, CVCC Auditor/Director of Finance (ckilgore@cvag.org)

Recommendation: Approve Resolution 2022-05 and adopt the CVCC Annual Budget for Fiscal Year 2022/2023

Background: Presented for approval is the CVCC's annual budget for Fiscal Year 2022/2023.

This year, CVCC staff have been working hard to implement the new budget software, Questica, which the Coachella Valley Association of Governments is implementing across the agencies it staffs. CVCC's Finance/Administration staff have been attending weekly and ad-hoc integration meetings and constantly coordinating with the Questica integration team since January 2022 to streamline the budget process and transform the budget from a manual extraction and data entry process from the current accounting system into a mostly automated integration process. The development of CVCC's annual budget previously required extensive manual process involvement and was resource intensive and relied heavily on Microsoft Excel which is not an ideal tool to develop, analyze, and produce the annual budget. Staff views this as a transition year and anticipates even more efficiencies moving forward.

The budget covers the period July 1, 2022 through June 30, 2023. The preliminary budget was reviewed by the CVCC Finance Committee when it met on May 24. Feedback and direction on the budget has been incorporated into the document. At the June meeting, staff will present the budget highlights to the Commission and recommend the CVCC adopt the budget through passage of Resolution 2022-05.

Fiscal Analysis: The fiscal analysis is included within the budget line items.

Attachments:

Resolution 2022-05

CVCC Fiscal Year 2022/2023 Budget

RESOLUTION NO. 2022-05

**A RESOLUTION OF THE
COACHELLA VALLEY CONSERVATION COMMISSION
CONFIRMING THE ADOPTION OF THE 2022/2023 FISCAL YEAR ANNUAL
BUDGET**

WHEREAS, the 2022/2023 fiscal year annual budget is a balanced budget; and

WHEREAS, the State permit from California Fish and Game for the MSHCP/NCCP has been issued; and

WHEREAS, the Federal permit from the United States Fish and Wildlife Service for the MSHCP/NCCP has been issued; and

WHEREAS, this budget would cover the fiscal year July 1, 2022 through June 30, 2023.

NOW THEREFORE BE IT RESOLVED as follows:

1. The Coachella Valley Conservation Commission adopts the 2022/2023 Fiscal Year Annual Budget.

PASSED AND ADOPTED, by the Coachella Valley Conservation Commission, County of Riverside, State of California on June 9, 2022.

Linda Evans
Chair

Tom Kirk
Executive Director

COACHELLA VALLEY CONSERVATION COMMISSION

ANNUAL BUDGET

FY 2022-23





CVCC

Member Jurisdictions

City of Cathedral City

City of Coachella

City of Desert Hot Springs

City of Indian Wells

City of Indio

City of La Quinta

City of Palm Desert

City of Palm Springs

City of Rancho Mirage

County of Riverside

Coachella Valley Water District

Imperial Irrigation District

Mission Springs Water District

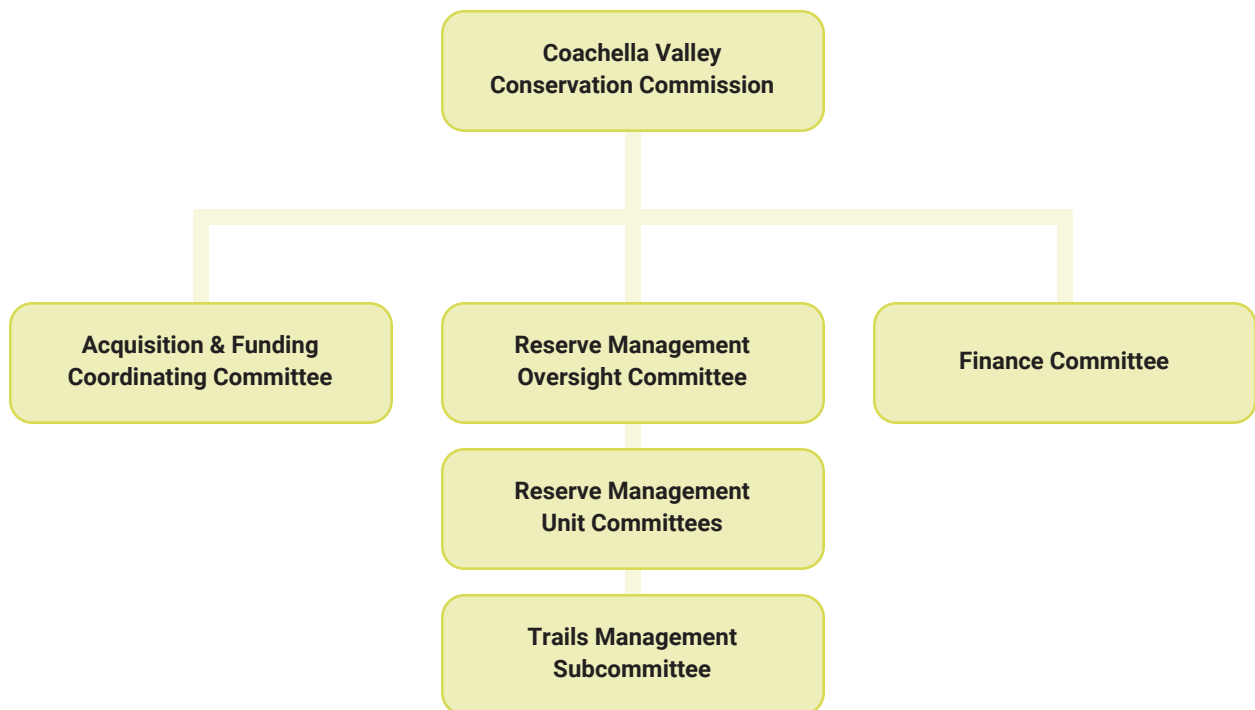


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CVCC

Policy Committee Structure



Fiscal Overview

The Fiscal Overview presents the financial overview of CVCC's proposed operating budgets. It compares expenditures with available resources.

Description of Funds

Management & Monitoring Fund

The Management & Monitoring Fund includes revenue and expenses associated with implementing the land management program and the biological monitoring program for the CVMSHCP. These programs are supported by funds provided by local development mitigation fees and by various agencies (CVAG, CVWD, IID, MSWD, Caltrans) to support implementation and the endowment. Grants and other funding supplement these contributions when available.

The management and monitoring programs are staffed through CVAG staff and consultants. The Director of Land and Habitat Conservation coordinates the biological monitoring and land management programs with support from the Conservation Management Analyst, the Land Management Program Assistant, and the Geographic Information Systems (GIS) Management Analyst. The Conservation Management Analyst supports the management and monitoring activities of the CVCC and works closely with our partner agencies. Other monitoring and management tasks are completed through contracts with consultants from research institutions, including the UC Riverside Center for Conservation Biology, US Geological Survey, the San Diego Natural History Museum, and other consultants as needed.

In Fiscal Year (FY) 2022/23, CVCC is planning for the continued studies of aeolian sand species, Orocopa sage, Mecca aster, desert tortoise, rails species, and the western yellow bat. Agreements with the City of Desert Hot Springs Police Department and Riverside County Sheriff's Department will provide law enforcement to better manage illegal activity on conservation lands with up to \$60,000 to support the Land Management Program.

As the number of acres owned by the CVCC continues to grow, the staff time and expenses necessary to ensure effective management of these lands to achieve conservation goals increase. CVCC continues to acquire property for habitat and conservation, and staff anticipates additional resources and higher management costs will need to be included in this budget and future budgets. This is consistent with the lifecycle of the MSHCP itself as it envisioned emphasis on land acquisition in its early years and then transitioning to increased, and eventually sustained, Management & Monitoring costs for the remainder of the Plan.

Management of invasive species, such as tamarisk, Saharan mustard, and stinknet, continues to be priorities, as is active mesquite restoration in reserve lands. Management of assets such as fencing, signage, and boulders to control illegal activity and development of trailheads and interpretational materials to promote positive recreational use continue to be priorities in 2022/23. As part of the ongoing effort to streamline operations, this year, CVCC will increase the use of remote technology and complete the ArcGIS Online database to house spatial data and images in a usable form.

General Administration Fund

The General Administration Fund includes the expenses related to the administration of the CVMSHCP. This Fund's primary source of revenue is fees on the importation of waste into landfills in Riverside County, which are commonly called "tipping fees." CVAG provides administrative staff through a contract with CVCC. This Fund supports the cost of the CVAG contract; reference to consultants in the budget is the cost for CVAG staff. Other expenses supported by this Fund include insurance, per diem payments for CVCC members and legal costs for a contract with Best Best & Krieger for CVMSHCP-related legal expenses.

The agreement has been amended twice, most recently in an amendment approved by the CVCC in May 2021 and approved by the CVAG Executive Committee in June 2021.

This amendment increased the maximum amount that CVAG can bill CVCC to \$850,000 for FY 2021/22. The annual cost of living increases based on local CPI by the Department of Labor brings the FY 2022/23 contract amount for CVAG's staffing and administrative services to a not-to-exceed amount of \$923,100. The FY 2022/23 budget anticipates staffing and related overhead needs at an amount sufficient to cover the anticipated costs of land acquisition activities, management and monitoring needs, and general operational costs.

Travertine Point Monitoring Fund

Travertine Point is a proposed project located near the Riverside-Imperial County line planned for future development. Through legal proceedings between the Sierra Club and the project developer and County of Riverside, a fund was established via Memo of Understanding for CVCC to develop and administer an ongoing monitoring program related to the protection of cultural resources and other sensitive resources on parcels adjacent to the Travertine Point project. The project developers are required to construct a barrier to protect these resources when the project goes forward. This Fund is to be used by CVCC to develop and administer an ongoing monitoring program to ensure the barrier is properly maintained. The Fund includes an initial \$500,000 from the project developer, which was used to establish the Travertine Point Monitoring Fund. All returns on investment are retained in the Fund.

In-Lieu Fee Program

CVCC is the Program Sponsor for the United States Army Corps of Engineers (USACE) In-Lieu Fee Program (ILFP), which allows organizations that need to mitigate unavoidable impacts on Waters of the United States resulting from activities authorized under the Clean Water Act to do so by paying a fee to CVCC. Using these fees, CVCC will implement habitat restoration projects that are pre-approved as mitigation

by USACE. A development plan for a restoration project to enhance habitat in the Coachella Valley Stormwater Channel and Delta Conservation Area is in progress.

The cost of these projects, including endowment, contingency, planning, and staff time, are paid from the In-Lieu Fee Program. Through this program, CVCC provides an efficient means for a project developer to meet mitigation requirements determined by the Army Corps. The habitat restoration and enhancement projects implemented under the ILFP are being closely coordinated to support the goals of the CVMSHCP. CVCC has received Advance Credits that are being sold to project applicants before a habitat project is approved. The receipts from the sale of these credits are held in an ILFP fund. Federal policy requires that the ILFP funds be kept in a separate account. This account must be established prior to CVCC accepting any fees from project applicants. As such, an interest-bearing account has been established to receive the In-Lieu Fee Program funds.

Casey's June Beetle HCP Endowment

The Casey's June Beetle Habitat Conservation Plan was completed in 2017 to permit incidental take of the endangered Casey's June Beetle to the Coachella Valley Association of Governments (CVAG) for the development of the CV Link, a valley-wide active transportation project. CVAG made an initial deposit to fund the endowment in the amount of \$160,075 for the implementation of the initial habitat restoration, as well as the long-term management, enhancement, and monitoring activities on habitat lands. CVCC will hold the conservation easement or designate a conservation easement holder and shall manage a dedicated trust account with the non-wasting endowment to ensure long-term funding for the management of the project lands.

Budget Overview

Revenues

General Administration Fund — Tipping fee

Approximately \$300,000 is projected to be received from the Riverside County Department of Waste Resources for its annual contribution under the MSHCP. Pursuant to the agreement executed on May 24, 2005, the County will pay \$1 per ton of the tipping fees generated by Coachella Valley waste received at the County's landfills. In coming months, CVCC staff will be working with its partners to review this long standing agreement and will bring any recommended updates to the CVCC for consideration.

Land Acquisition Fund — Development Mitigation Fees

CVCC has approved an increase to the Local Development Mitigation Fee (LDMF) by 8.2% due to inflation, starting in FY 2022/23. According to the Desert Valley Builders Association, a key stakeholder in CVCC's impact fee program, the construction of single-family and multi-family homes is expected to increase in 2022 compared to 2021 due to the initiation of some major new developments across the Valley. This projection takes into account the ongoing global supply chain issues and rising cost of inflation.

CVCC used the most recent FY actuals (2020/21) and increased the LDMF based on the new rates for FY 2022/23 with a budgeted amount of \$2,446,937 LDMF revenue for the Land Acquisition Fund.

Land Acquisition Fund — Grants

CVCC is not expecting any federal or state grants for land acquisition in FY 2022/23, although it does expect additional agency mitigation fees as discussed next.

Land Acquisition Fund — Agency Mitigation Fees

CVCC is budgeting \$2,634,212 from Caltrans for land acquisition related to its obligations under the MSHCP. To meet their obligation, Caltrans has been providing advanced mitigation funds for projects anticipated to occur between 2021 and 2023. These funds provide for the acquisition and long-term

management of conservation property and have already been applied to many parcels purchased by CVCC. Notably, these funds have been used, and will continue to be applied to, the recent Palm Hills acquisition, which, at over 3,000 acres, is CVCC's largest acquisition to date.

Endowment Fund — Agency Mitigation Fees

When the Plan was drafted, it was determined that the Coachella Valley Association of Governments (CVAG) would contribute funds toward the Plan. Of CVAG's \$30 million contribution, \$21,819,000 will be for land purchases, and \$8,181,000 will be for the endowment. CVCC is budgeting that CVAG will contribute an additional \$500,000 to the endowment in FY 2022/23. CVCC is also budgeting \$920,324 from Caltrans for contributions to the endowment fund related to their agency mitigation fees.

Management & Monitoring Fund — Development Mitigation Fees

The Management & Monitoring Fund is apportioned 17% of all LDMF revenues received by the CVCC in a fiscal year. For FY 2022/23, this equates to over \$500,000 and is the largest source of funding into the Management & Monitoring fund.

Management & Monitoring Fund — Grants

CVCC expects to receive grants totaling \$180,000 in the form of Proposition 1 and Local Assistance Grant to assist in the Management and Monitoring portion of the plan.

Expenditures

All Funds — Consultants & Professional Services

Major Consultant and Professional Services expenditures budgeted for FY 2022/23 include:

- » Administration & Land Management contract with CVAG: \$896,361
- » Land acquisitions contract with Coachella Valley Mountains Conservancy Budgeted Expenditure: \$81,149

- » Biological monitoring, law enforcement fee automation, and database management (funded by regular funds): \$540,250
- » Contracts for biological monitoring and habitat restoration (funded by grant funds): \$210,250

The amount for the administration contract with CVAG is derived from projected staffing salaries, benefits, and administrative overhead as developed for CVAG's FY 2022/23 budgeted figures. The amount also includes an additional staff who will work primarily on Management & Monitoring activities. An amendment to the administration agreement with CVAG for an increase in the annual maximum amount of \$850,000 for FY 2021/22 was approved by the Commission at its May 13, 2021 meeting. Based on the local annual CPI of 8.6%, the adjusted not-to-exceed amount for the CVAG contract in FY 2022/23 is \$923,100. The budgeted costs per program are broken out as follows: \$179,244 of the cost is projected for the Land Acquisition Fund, \$366,068 is reported in the General Administration Fund, \$291,206 is reported in the Management & Monitoring Fund, \$48,127 is reported in Management Contingency, and the balance of \$11,715 is reported in the In-Lieu Fee Fund.

All Funds — Land Improvements

\$300,000 has been budgeted in the Land Acquisition Fund for property cleanup, fencing work, and signage. An expenditure of \$1,800,000 is also budgeted for the Peninsular Bighorn Sheep fence barrier as the Commission moves to construction and installation phases in FY 2022/23 as required by the CVMSHCP.

Transfers In / Out

Offsetting the Operating Transfers In of \$2,026,521 in the Management & Monitoring Fund are Operating Transfers Out of \$1,800,000 in the Management Contingency Fund for the construction of the Peninsular Big Horn Sheep fence and \$226,521 in the Endowment Fund. The Endowment Fund and the Management Contingency Fund are being used to pay for the unfunded expenditures incurred in the Management & Monitoring Fund. The Operating Transfer Out of the Endowment Fund and Transfer In for the Management & Monitoring Fund is calculated such that the Management & Monitoring Fund's Ending Fund Balance of \$496,168 is equal to the Fund's budgeted Development Mitigation Fees (\$501,180) less the Fund's Administrative Fees (\$5,012).

Additional Comments

CVCC's budget is unlike most agencies' budgets mainly because CVCC does not have employees and an office space where fixed costs are present. With no employees or office space, CVCC's budget will not show any Personnel expenditures (e.g., salaries and benefits), nor will it show overhead expenditures (e.g., office space). The administration of the Commission is provided via contract by CVAG as identified above. The Management & Monitoring program is funded in part by 17% of the LDMF fees, with the remainder of funding and the funding of the General Administration program fully or partially funded by the Endowment in FY 2022/23 and all future years. As CVCC continues to acquire land, the costs associated with management and monitoring will rise. CVCC staff will be looking at these long-term expenditures and provide updates and recommendations to the CVCC.



Overall Agency Summary

The Overall Agency Summary Report summarizes the FY 2022/23 proposed budget. This report compares the proposed budget with the year-end revenue and expenditure estimates for FY 2021/22, the adopted budget for FY 2021/22, and the audited financial statements for FY 2020/21.

	FY 2020/21 Actual	FY 2021/22 Budget	FY 2021/22 Yr. End Est.	FY2022/23 Budget
Beginning Fund Balance	\$ 26,274,507	\$ 28,186,838	\$ 30,851,007	\$ 31,415,837
Revenues / Funding Source				
County Tipping Fees	\$ 462,990	\$ 440,223	\$ 325,000	\$ 300,000
Development Mitigation Fees	\$ 2,690,386	\$ 2,041,422	\$ 2,715,773	\$ 2,948,116
Agencies Mitigation Fees	\$ 4,369,331	\$ 4,304,090	\$ 4,707,755	\$ 4,304,090
Other Grants	\$ 520	-	-	-
Friends of the Desert Mountains	-	\$ 18,000	-	\$ 18,000
Proposition 1	-	\$ 89,850	\$ 110,672	\$ 90,000
Local Assistance Grant	-	\$ 140,672	\$ 133,297	\$ 90,000
Other Revenue	\$ 6,955	\$ 7,500	\$ 40,302	\$ 12,250
Advertising Revenue	-	-	\$ 1,200	\$ 1,200
Investment Income	\$ 18,876	\$ 130,000	\$ 86,029	\$ 196,642
Total Revenues / Funding Source	\$ 7,549,058	\$ 7,171,757	\$ 8,120,028	\$ 7,960,298
Expenditures / Expenditure				
Non-Personnel				
LDMF Admin Fee	\$ 26,904	\$ 20,414	\$ 27,158	\$ 29,481
Land Management Costs	\$ 96,725	\$ 190,000	\$ 87,808	\$ 533,320
Miscellaneous	\$ 25,000	\$ 1,100	-	\$ 1,135
Land Acquisitions	\$ 1,069,015	\$ 7,598,881	\$ 5,931,673	\$ 5,635,018
Equipment	\$ 28,737	\$ 3,000	\$ 1,000	\$ 20,000
CVAG Admin Reimbursement	-	-	\$ 774,612	\$ 896,361
Office Operations	\$ 17,118	\$ 25,408	\$ 20,185	\$ 45,961
Meeting Attendance Stipends	\$ 9,579	\$ 12,993	\$ 6,817	\$ 12,993
Professional Services	\$ 1,279,163	\$ 1,958,926	\$ 530,945	\$ 962,288
Total Non-Personnel	\$ 2,552,241	\$ 9,810,722	\$ 7,380,198	\$ 8,136,557
Other				
Construction In Progress	\$ 420,317	\$ 1,762,400	\$ 175,000	\$ 1,800,000
Operating Transfers Out	\$ 420,317	\$ 2,179,477	\$ 175,000	\$ 2,026,521
Operating Transfers In	(\$ 420,317)	(\$ 2,179,477)	(\$ 175,000)	(\$ 2,026,521)
Total Other	\$ 420,317	\$ 1,762,400	\$ 175,000	\$ 1,800,000
Total Expenditures / Expenditure	\$ 2,972,558	\$ 11,573,122	\$ 7,555,198	\$ 9,936,557
Net Excess (Deficit)	\$ 4,576,500	(\$ 4,401,365)	\$ 564,829	(\$ 1,976,259)
Ending Fund Balance	\$ 30,851,007	\$ 23,785,473	\$ 31,415,837	\$ 29,439,579

Budget By Programs

An overview of the financial activities anticipated in each program for FY 2022/23.

	Endowment	General Administration	Land Acquisition	Lizard Endowment
Beginning Fund Balance	\$ 11,981,098	\$ 601,662	\$ 10,383,156	\$ 330,499
Revenues / Funding Source				
Investment Income	\$ 67,770	\$ 3,403	\$ 70,304	\$ 2,518
County Tipping Fees	-	\$ 300,000	-	-
Development Mitigation Fees	-	-	\$ 2,446,937	-
Agencies Mitigation Fees	\$ 1,419,878	-	\$ 2,634,212	-
Other Grants	-	-	-	-
Friends of the Desert Mountains	-	-	-	-
Proposition 1	-	-	-	-
Local Assistance Grant	-	-	-	-
Other Revenue	-	-	-	-
Advertising Revenue	-	-	-	-
Total Revenues / Funding Source	\$ 1,487,648	\$ 303,403	\$ 5,151,453	\$ 2,518
Expenditures / Expenditure				
Non-Personnel				
Professional Services	-	\$ 53,256	\$ 118,453	-
Meeting Attendance Stipends	-	\$ 12,993	-	-
Office Operations	-	\$ 20,961	-	-
LDMF Admin Fee	-	-	\$ 24,469	-
Land Management Costs	-	-	\$ 300,000	-
Miscellaneous	-	\$ 135	\$ 500	-
Land Acquisitions	-	-	\$ 5,635,018	-
Equipment	-	-	-	-
CVAG Admin Reimbursement	-	\$ 366,068	\$ 179,244	-
Total Non-Personnel	-	\$ 453,413	\$ 6,257,685	-
Other				
Operating Transfers In	-	-	-	-
Operating Transfers Out	\$ 226,521	-	-	-
Construction In Progress	-	-	-	-
Total Other	\$ 226,521	-	-	-
Total Expenditures / Expenditure	\$ 226,521	\$ 453,413	\$ 6,257,685	-
Net Excess (Deficit)	\$ 1,261,127	(\$ 150,010)	(\$ 1,106,232)	\$ 2,518
Ending Fund Balance	\$ 13,242,226	\$ 451,652	\$ 9,276,924	\$ 333,017

Budget By Programs

Casey's June Beetle Endowment	Management & Monitoring	Management Contingency	Travertine Point Monitoring	In-Lieu Fee	Total
\$ 237,908	\$ 602,785	\$ 4,417,509	\$ 539,749	\$ 2,321,471	\$ 31,415,837
\$ 1,930	\$ 4,529	\$ 38,474	\$ 4,113	\$ 3,600	\$ 196,642
-	-	-	-	-	\$ 300,000
-	\$ 501,180	-	-	-	\$ 2,948,116
-	-	-	-	\$ 250,000	\$ 4,304,090
-	-	-	-	-	-
-	\$ 18,000	-	-	-	\$ 18,000
-	\$ 90,000	-	-	-	\$ 90,000
-	\$ 90,000	-	-	-	\$ 90,000
-	\$ 12,250	-	-	-	\$ 12,250
-	\$ 1,200	-	-	-	\$ 1,200
\$ 1,930	\$ 717,159	\$ 38,474	\$ 4,113	\$ 253,600	\$ 7,960,298
-	\$ 619,000	-	-	\$ 171,579	\$ 962,288
-	-	-	-	-	\$ 12,993
-	\$ 25,000	-	-	-	\$ 45,961
-	\$ 5,012	-	-	-	\$ 29,481
-	\$ 83,500	\$ 149,820	-	-	\$ 533,320
-	\$ 500	-	-	-	\$ 1,135
-	-	-	-	-	\$ 5,635,018
-	\$ 20,000	-	-	-	\$ 20,000
-	\$ 291,206	\$ 48,127	-	\$ 11,715	\$ 896,361
-	\$ 1,044,218	\$ 197,947	-	\$ 183,294	\$ 8,136,557
-	(\$ 2,026,521)	-	-	-	(\$ 2,026,521)
-	-	\$ 1,800,000	-	-	\$ 2,026,521
-	\$ 1,800,000	-	-	-	\$ 1,800,000
-	(\$ 226,521)	\$ 1,800,000	-	-	\$ 1,800,000
-	\$ 817,697	\$ 1,997,947	-	\$ 183,294	\$ 9,936,557
\$ 1,930	(\$ 100,538)	(\$ 1,959,472)	\$ 4,113	\$ 70,306	(\$ 1,976,259)
\$ 239,838	\$ 502,247	\$ 2,458,037	\$ 543,862	\$ 2,391,777	\$ 29,439,579



Fund Detail

This section of the document presents the financial overview of each fund. In each report, the proposed FY 2022/23 budget is compared with the audited financial figures for FY 2020/21, the adopted budget for FY 2021/22 as well as the estimated year-end figures for FY 2021/22.

010 - Endowment

	FY2020/21 Actual	FY2021/22 Budget	FY2021/22 Yr. End Est.	FY2022/23 Budget
BEGINNING FUND BALANCE	\$ 9,056,964	\$ 10,071,742	\$ 10,503,293	\$ 11,981,098
Revenues / Funding Source				
Agencies Mitigation Fees	\$ 1,439,940	\$ 1,419,878	\$ 1,419,560	\$ 1,419,878
Other Revenue	-	-	\$ 29,000	-
Investment Income	\$ 6,389	\$ 48,000	\$ 29,246	\$ 67,770
Total Revenues / Funding Source	\$ 1,446,329	\$ 1,467,878	\$ 1,477,806	\$ 1,487,648
Expenditures / Expenditure				
Other				
Operating Transfers Out	-	\$ 367,077	-	\$ 226,521
Total Other	-	\$ 367,077	-	\$ 226,521
Total Expenditures / Expenditure	-	\$ 367,077	-	\$ 226,521
Net Excess (Deficit)	\$ 1,446,329	\$ 1,100,801	\$ 1,477,806	\$ 1,261,127
ENDING FUND BALANCE	\$ 10,503,293	\$ 11,172,543	\$ 11,981,098	\$ 13,242,226



020 - General Administration

	FY2020/21 Actual	FY2021/22 Budget	FY2021/22 Yr. End Est.	FY2022/23 Budget
BEGINNING FUND BALANCE	\$ 702,197	\$ 661,299	\$ 697,972	\$ 601,662
<u>Revenues / Funding Source</u>				
County Tipping Fees	\$ 462,990	\$ 440,223	\$ 325,000	\$ 300,000
Other Revenue	-	-	-	-
Investment Income	\$ 703	\$ 2,700	\$ 1,468	\$ 3,403
Total Revenues / Funding Source	\$ 463,693	\$ 442,923	\$ 326,468	\$ 303,403
<u>Expenditures / Expenditure</u>				
Non-Personnel				
Miscellaneous	-	\$ 100	-	\$ 135
CVAG Admin Reimbursement	-	-	\$ 364,068	\$ 366,068
Office Operations	\$ 13,442	\$ 19,408	\$ 16,685	\$ 20,961
Meeting Attendance Stipends	\$ 9,579	\$ 12,993	\$ 6,817	\$ 12,993
Professional Services	\$ 444,898	\$ 332,932	\$ 35,209	\$ 53,256
Total Non-Personnel	\$ 467,919	\$ 365,433	\$ 422,779	\$ 453,413
Total Expenditures / Expenditure	\$ 467,919	\$ 365,433	\$ 422,779	\$ 453,413
Net Excess (Deficit)	(\$ 4,226)	\$ 77,490	(\$ 96,310)	(\$ 150,010)
ENDING FUND BALANCE	\$ 697,972	\$ 738,789	\$ 601,662	\$ 451,652



030 - Land Acquisition

	FY2020/21 Actual	FY2021/22 Budget	FY2021/22 Yr. End Est.	FY2022/23 Budget
BEGINNING FUND BALANCE	\$ 8,773,517	\$ 9,498,756	\$ 11,705,923	\$ 10,383,156
Revenues / Funding Source				
Development Mitigation Fees	\$ 2,233,290	\$ 1,694,380	\$ 2,254,092	\$ 2,446,937
Agencies Mitigation Fees	\$ 2,069,095	\$ 2,634,212	\$ 2,634,016	\$ 2,634,212
Investment Income	\$ 6,736	\$ 45,000	\$ 30,339	\$ 70,304
Total Revenues / Funding Source	\$ 4,309,121	\$ 4,373,592	\$ 4,918,446	\$ 5,151,453
Expenditures / Expenditure				
Non-Personnel				
LDMF Admin Fee	\$ 22,333	\$ 16,944	\$ 22,541	\$ 24,469
Land Management Costs	\$ 24,092	\$ 125,000	\$ 21,255	\$ 300,000
Miscellaneous	-	\$ 500	-	\$ 500
Land Acquisitions	\$ 1,069,015	\$ 7,598,881	\$ 5,931,673	\$ 5,635,018
CVAG Admin Reimbursement	-	-	\$ 147,176	\$ 179,244
Professional Services	\$ 261,275	\$ 448,749	\$ 118,568	\$ 118,453
Total Non-Personnel	\$ 1,376,715	\$ 8,190,074	\$ 6,241,213	\$ 6,257,685
Total Expenditures / Expenditure	\$ 1,376,715	\$ 8,190,074	\$ 6,241,213	\$ 6,257,685
Net Excess (Deficit)	\$ 2,932,406	(\$ 3,816,482)	(\$ 1,322,767)	(\$ 1,106,232)
ENDING FUND BALANCE	\$ 11,705,923	\$ 5,682,274	\$ 10,383,156	\$ 9,276,924



040 - Lizard Endowment

	FY2020/21 Actual	FY2021/22 Budget	FY2021/22 Yr. End Est.	FY2022/23 Budget
BEGINNING FUND BALANCE	\$ 329,280	\$ 330,931	\$ 329,412	\$ 330,499
Revenues / Funding Source				
Investment Income	\$ 131	\$ 1,700	\$ 1,087	\$ 2,518
Total Revenues / Funding Source	\$ 131	\$ 1,700	\$ 1,087	\$ 2,518
Net Excess (Deficit)	\$ 131	\$ 1,700	\$ 1,087	\$ 2,518
ENDING FUND BALANCE	\$ 329,412	\$ 332,631	\$ 330,499	\$ 333,017



045 - Casey's June Beetle Endowment

	FY2020/21 Actual	FY2021/22 Budget	FY2021/22 Yr. End Est.	FY2022/23 Budget
BEGINNING FUND BALANCE				\$ 237,908
Revenues / Funding Source				
Agencies Mitigation Fees	-	-	\$ 237,075	-
Investment Income	-	-	\$ 833	\$ 1,930
Total Revenues / Funding Source	-	-	\$ 237,908	\$ 1,930
Net Excess (Deficit)	-	-	\$ 237,908	\$ 1,930
ENDING FUND BALANCE	-	-	\$ 237,908	\$ 239,838

050 - Management & Monitoring

	FY2020/21 Actual	FY2021/22 Budget	FY2021/22 Yr. End Est.	FY2022/23 Budget
BEGINNING FUND BALANCE	\$ 675,562	\$ 510,736	\$ 515,713	\$ 602,785
Revenues / Funding Source				
Development Mitigation Fees	\$ 457,096	\$ 347,042	\$ 461,681	\$ 501,180
Agencies Mitigation Fees	\$ 56,296	-	-	-
Other Grants	\$ 520	-	-	-
Other Revenue	\$ 6,955	\$ 7,500	\$ 11,302	\$ 12,250
Advertising Revenue	-	-	\$ 1,200	\$ 1,200
Friends of the Desert Mountains	-	\$ 18,000	-	\$ 18,000
Proposition 1	-	\$ 89,850	\$ 110,672	\$ 90,000
Local Assistance Grant	-	\$ 140,672	\$ 133,297	\$ 90,000
Investment Income	\$ 2,554	\$ 3,500	\$ 1,955	\$ 4,529
Total Revenues / Funding Source	\$ 523,421	\$ 606,564	\$ 720,106	\$ 717,159
Expenditures / Expenditure				
Non-Personnel				
LDMF Admin Fee	\$ 4,571	\$ 3,470	\$ 4,617	\$ 5,012
Land Management Costs	\$ 72,633	\$ 65,000	\$ 66,553	\$ 83,500
Miscellaneous	\$ 25,000	\$ 500	-	\$ 500
Equipment	\$ 28,737	\$ 3,000	\$ 1,000	\$ 20,000
CVAG Admin Reimbursement	-	-	\$ 232,384	\$ 291,206
Office Operations	\$ 3,676	\$ 6,000	\$ 3,500	\$ 25,000
Professional Services	\$ 548,653	\$ 1,112,834	\$ 324,980	\$ 619,000
Total Non-Personnel	\$ 683,269	\$ 1,190,804	\$ 633,034	\$ 1,044,218
Other				
Construction In Progress	\$ 420,317	\$ 1,762,400	\$ 175,000	\$ 1,800,000
Operating Transfers In	(\$ 420,317)	(\$ 2,179,477)	(\$ 175,000)	(\$ 2,026,521)
Total Other	-	(\$ 417,077)	-	(\$ 226,521)
Total Expenditures / Expenditure	\$ 683,269	\$ 773,727	\$ 633,034	\$ 817,697
Net Excess (Deficit)	(\$ 159,849)	(\$ 167,163)	\$ 87,072	(\$ 100,538)
ENDING FUND BALANCE	\$ 515,713	\$ 343,573	\$ 602,785	\$ 502,247



055 - Management Contingency

	FY2020/21 Actual	FY2021/22 Budget	FY2021/22 Yr. End Est.	FY2022/23 Budget
BEGINNING FUND BALANCE	\$ 5,013,581	\$ 4,629,278	\$ 4,595,271	\$ 4,417,509
Revenues / Funding Source				
Investment Income	\$ 2,007	\$ 26,000	\$ 16,603	\$ 38,474
Total Revenues / Funding Source	\$ 2,007	\$ 26,000	\$ 16,603	\$ 38,474
Expenditures / Expenditure				
Non-Personnel				
Land Management Costs	-	-	-	\$ 149,820
CVAG Admin Reimbursement	-	-	\$ 19,365	\$ 48,127
Professional Services	-	-	-	-
Total Non-Personnel	-	-	\$ 19,365	\$ 197,947
Other				
Operating Transfers Out	\$ 420,317	\$ 1,812,400	\$ 175,000	\$ 1,800,000
Total Other	\$ 420,317	\$ 1,812,400	\$ 175,000	\$ 1,800,000
Total Expenditures / Expenditure	\$ 420,317	\$ 1,812,400	\$ 194,365	\$ 1,997,947
Net Excess (Deficit)	(\$ 418,310)	(\$ 1,786,400)	(\$ 177,762)	(\$ 1,959,472)
ENDING FUND BALANCE	\$ 4,595,271	\$ 2,842,878	\$ 4,417,509	\$ 2,458,037

065 - Travertine Point Monitoring

	FY2020/21 Actual	FY2021/22 Budget	FY2021/22 Yr. End Est.	FY2022/23 Budget
BEGINNING FUND BALANCE	\$ 537,758	\$ 540,450	\$ 537,974	\$ 539,749
Revenues / Funding Source				
Investment Income	\$ 215	\$ 3,000	\$ 1,775	\$ 4,113
Total Revenues / Funding Source	\$ 215	\$ 3,000	\$ 1,775	\$ 4,113
Net Excess (Deficit)	\$ 215	\$ 3,000	\$ 1,775	\$ 4,113
ENDING FUND BALANCE	\$ 537,974	\$ 543,450	\$ 539,749	\$ 543,862

070 - In-Lieu Fee

	FY2020/21 Actual	FY2021/22 Budget	FY2021/22 Yr. End Est.	FY2022/23 Budget
BEGINNING FUND BALANCE	\$ 1,185,647	\$ 1,943,646	\$ 1,965,450	\$ 2,321,471
Revenues / Funding Source				
Agencies Mitigation Fees	\$ 804,000	\$ 250,000	\$ 417,105	\$ 250,000
Investment Income	\$ 140	\$ 100	\$ 2,724	\$ 3,600
Total Revenues / Funding Source	\$ 804,140	\$ 250,100	\$ 419,829	\$ 253,600
Expenditures / Expenditure				
Non-Personnel				
CVAG Admin Reimbursement	-	-	\$ 11,619	\$ 11,715
Professional Services	\$ 24,337	\$ 64,411	\$ 52,189	\$ 171,579
Total Non-Personnel	\$ 24,337	\$ 64,411	\$ 63,808	\$ 183,294
Total Expenditures / Expenditure	\$ 24,337	\$ 64,411	\$ 63,808	\$ 183,294
Net Excess (Deficit)	\$ 779,803	\$ 185,689	\$ 356,021	\$ 70,306
ENDING FUND BALANCE	\$ 1,965,450	\$ 2,129,335	\$ 2,321,471	\$ 2,391,777



Coachella Valley Conservation Commission

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CVCC



Coachella Valley Conservation Commission
June 9, 2022



STAFF REPORT

Subject: **Contract with the University of California Riverside, Center for Conservation Biology to Implement Biological Monitoring**

Contact: Tony Quiroz, Conservation Management Analyst (tquiroz@cvag.org)

Recommendation: Authorize the Executive Director to execute a contract with the University of California Riverside's Center for Conservation Biology to implement biological monitoring for the period from July 1, 2022 to June 30, 2023 at a cost not to exceed \$249,592

Background: The Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) requires monitoring of covered species, natural communities and ecosystems. University of California's (UCR) Center for Conservation Biology has several years of experience with developing scientific monitoring protocols for the CVMSHCP as well as peer-reviewed research on covered species. These surveys continue to provide CVCC staff and land management partners with critical information with which to assess threats and stressors to covered species and the MSHCP/NCCP is currently meeting conservation goals and objectives. Tasks for the scope of work are prioritized each year through the CVCC's Reserve Management Unit Committee (RMUC) and the Reserve Management Oversight Committee (RMOC). These committees include members from wildlife agencies, professional biologists, land managers and other interested parties, who collectively help advise CVCC on issues pertaining to the covered species. They discuss monitoring protocols, the annual work plan, and vetting of completed monitoring activities. Their recommendations are supported as Monitoring Program budget priorities.

As part of the proposed scope of work for Fiscal Year 2022/ 2023, UCR will continue to implement the aeolian sand species monitoring, a non-invasive protocol that assesses population trends and the health of the ecosystem at long-term monitoring plots throughout the conservation lands for the Coachella Valley fringe-toed lizard, the flat-tailed horned lizard, Coachella Valley milkvetch, Coachella Valley round-tailed ground squirrel and Palm Springs pocket mouse. UCR also will conduct Coachella Valley Jerusalem cricket surveys within the known range, as well as additional locations at the eastern margin of this range, to better understand the impact of climate change on distribution. They will survey for Mecca aster and Orocopia sage within the Mecca Hills/Orocopia Mountains, East Indio Hills, and Dos Palmas Conservation Areas. And, as part of CVCC's desert tortoise monitoring, UCR will refine geospatial niche models. This modeling will use new location data provided by the US Geological Survey tortoise monitoring team to update current suitable habitat models of tortoises and several invasive species that are known to be impacting desert tortoise foraging quality.

This year, the RMOC has recommended that UCR provide year-round coordination for the Low Desert Weed Management Area ad-hoc steering committee meetings, as well as activities such as field trips and public outreach. These efforts aim to communicate and coordinate work on invasive species detection, control, and management within the Coachella Valley to benefit native biodiversity.

The scope of work, which is attached, is consistent with previous contracts that the CVCC has authorized since entering into a Master Research Agreement with UCR.

Fiscal Analysis: As outlined in the attached scope of work, the recommended contract is for a cost not-to-exceed amount of \$249,592. This will be funded from the Management and Monitoring Program budget, and the cost is for the monitoring program is included in the CVCC's proposed Fiscal Year 2022/2023 budget.

CVCC renewed a Master Research Agreement with UCR in May 2020 that limits overhead to 10 percent through Fiscal Year 2024/2025.

Contract Finalization: Minor changes/revisions may be made for clarification purposes by CVCC Executive Director and Legal Counsel prior to execution.

Attachments: Research Project Schedule, Scope of Work and Budget

RESEARCH PROJECT SCHEDULE
for
COACHELLA VALLEY CONSERVATION COMMISSION
BIOLOGICAL MONITORING AND SCIENCE TASKS
FOR THE COACHELLA VALLEY MULTIPLE SPECIES
HABITAT CONSERVATION PLAN

By
UC Riverside – Center for Conservation Biology

The Coachella Valley Conservation Commission (CVCC) and the Regents of the University of California (University) hereby agree to carry out the project described below:

PI/Department: Lynn Sweet / Center for Conservation Biology

Project Period: July 1, 2022 to June 30, 2023

Not-to-Exceed Amount: \$ 249,592

Payment Schedule: University shall invoice CVCC for payment no more frequently than monthly, but at least quarterly. Invoices shall be consistent with the attached budget and include a written description of tasks undertaken during that billing cycle.

Scope of Work, reports, Deliverables and Budget: The scope of work, reports and deliverables and budget shall be in accordance with the University's Scope of Work for CVCC Biological Monitoring dated July 1, 2022, attached hereto and identified as Exhibit A.

Terms and Conditions: This RPS is issued and shall be implemented in accordance with the terms and conditions of the Master Research Agreement between the University and CVCC approved May 11, 2017 securing a negotiated administrative rate of 10% through June 30, 2020. A new Master Research Agreement between the University and CVCC was approved in May 2020 securing a negotiated administrative rate of 10% through June 30, 2025.

SCOPE OF WORK

CVMSHCP Biological Monitoring Program Implementation for 1 July 2022 through 30 June, 2023 Principal Investigator: L.C. Sweet

The Coachella Valley Multiple Species Habitat Conservation Plan and Natural Community Conservation Plan (CVMSHCP) was established in 2008 to ensure regional conservation of plant and animal species, natural communities, and landscape-scale ecological processes across the Coachella Valley. This plan subsumed the earlier 1986 Habitat Conservation Plan (HCP) for the Coachella Valley fringe-toed lizard that was the first HCP designed and implemented after the 1982 amendment to the US Endangered Species Act authorized HCPs through 10a Permits. That pioneering conservation effort set a standard for the conservation of endangered species for a region that was almost entirely in private ownership, spanning nine cities and Riverside County jurisdictions. However, it fell short of fully protecting the critical sand transport processes necessary to sustain the sand dune habitats and failed to create an adequate umbrella for the biodiversity occurring beyond the dunes. Learning from those shortcomings, the CVMSHCP is explicitly science and ecosystem-based and as such has set a standard for other MSHCPs. Nowhere is that science foundation more apparent than in its biological monitoring program, a program conceptualized and tested by UC Riverside's Center for Conservation Biology (UCR-CCB). Importantly, this methodology has received and passed repeated external peer review (Barrows et al. 2005, Barrows and Allen 2007). UC Riverside's ongoing participation in ensuring that the MSHCP is implemented with highest degree of science-based oversight, demonstrates UCR's commitment to supporting the well-being of the communities of Riverside County.

UCR-CCB has developed monitoring methodologies that encompass most of the covered species protected under the CVMSHCP, as well as the potential drivers and stressors of their population dynamics. These methods are scientific method-based, meaning that they begin with hypotheses for the causes of population increases or declines and then test those hypotheses. From these data we can answer questions regarding differences in species occurrences and abundance between years, plots, and habitat types. Our objective here is to continue to test, demonstrate, and publish on the efficiency and efficacy of this approach and to inform management to sustain these species and landscapes.

Part I: Administration and Coordination

Assistance with program administration shall involve varied tasks that may include reporting, meeting attendance, and general project administration including billing and accounting, as requested by CVCC. Specific tasks shall include:

A. Serve as a Biological Advisor for the Development of the Annual Work Plan

The annual work plan will be developed in May 2022 by the members of the Biological Working Group, RMUCs and RMOC. The work plan will provide a description and schedule for prioritizing monitoring actions at the species, landscape, and natural community levels. Prioritization shall include both a risk assessment to covered resources both locally and range-wide, and plan requirements to ensure all covered resources are monitored on appropriate and reasonable periodicities within the budget constraints of the CVMSHCP. Specific roles for UCR shall include providing technical information during Biological Working Group meetings to facilitate this task.

B. Coordinate Monitoring Activities with Monitoring Team, Land Managers, and Other Agencies

As part of the Monitoring Team UCR will participate in ad-hoc meetings of the Biological Working Group, quarterly meetings of the RMUCs and provide reports at quarterly meetings of the RMOC, as requested by CVCC staff. This coordination will involve presentations of ongoing activities and attendance for a minimum of eight meetings a year.

C. Maintain and, Where Needed, Update Monitoring Protocols

In consultation with CVCC staff, the Biological Working Group and the RMUC, UCR will be responsible for updating survey protocols for the covered species under this contract on an as-needed basis. Updates will be based on assessments of currently approved protocols on their ability to address specific questions regarding the species' status and persistence in the face of identified stressors, or new approved region-wide guidelines developed by the wildlife agencies. In the latter case the wildlife agencies will provide UCR with a written copy of their approved protocols designed for long-term monitoring assessments and that answer questions regarding species' responses to stressors so as to be consistent with the biological monitoring framework that is defined in the CVMSHCP.

D. Report Monitoring Results to CVCC and Plan Database

Provide regular status updates for all monitoring activities. Submit an annual written report by June 30th of each year that will assist CVCC staff in preparing the monitoring related portions of the CVMSHCP Annual Report. Reports may be updated and additional data provided through the end of each calendar year funded based on any additional findings. Assist with ongoing maintenance of the monitoring portion of the CVMSHCP database and a standard data policy for the availability of data. Monitoring results must be reported to CVCC in both a written report in an electronic Microsoft Word file and as data in an electronic format that is consistent with the existing database. Data should be submitted to the CVCC quarterly for inclusion in the CVMSHCP database. UCR will be responsible for efficiently reporting monitoring information to CVCC for inclusion in this database.

E. Advise the CVCC in Monitoring Activities and Science Matters

UCR may be asked to review proposed science-related projects, provide advice to CVCC for science-related proposals or programs, and provide science/monitoring responses to questions to CVCC from outside parties. This is an ongoing task.

Part II: Monitoring Program Coordination

The Biological Monitoring Program is designed to assess the spatial distribution, environmental conditions, and relative abundance of where these species occur as well as where they do not. This provides insights to additional areas to search for the species and identifies potential stressors that may inhibit the species' persistence in this region.

Species approved for UCR's monitoring activities by the Combined Biological Working Group and Reserve Management Unit Committee and Reserve Management Oversight Committee include the aeolian sand species (Coachella Valley fringe-toed lizard, flat-tailed horned lizard, Coachella Valley round-tailed ground squirrel, Coachella Valley giant sand-treader cricket, and Coachella Valley milk-vetch), Palm Springs pocket mouse, triple-ribbed milkvetch, and little San Bernardino Mountains linanthus.

Task A. Aeolian Sand Species:

Central to the CVMSHCP are the Aeolian Sand Communities, a habitat system that once comprised over 100 mi² of continuous sand dunes, but now has been reduced to just 5% of that historical extent. This habitat system, like isolated dune systems worldwide, and is a center for local endemism. Covered species that are found here or are restricted to this habitat system include the CV giant sand-treader cricket (*Marcrobaenetes valgum*), CV Jerusalem cricket (*Stenopelmatus cahuilaensis*), Palm Springs pocket mouse (*Perognathus longimembris bangsi*), CV round-tailed ground squirrel *Spermophilus* [*Xerospermophilus*] *tereticaudus chlorus*), CV fringe-toed lizard (*Uma inornata*), flat-tailed horned lizard (*Phrynosoma mcallii*) and the CV milkvetch (*Astragalus lentiginosus* var. *coachellae*).

No other habitats covered under the CVMSHCP are nearly so rich in endemics and overall biodiversity, and no other habitats have been as compromised by habitat loss, fragmentation, and invasive species. The aeolian sand fields and dunes of the Coachella Valley have lost more spatial extent (total area and proportionally) than any other habitat type within the CVMSHCP. In 2022-2023 we will continue to monitor these species and their potential stressors as well as monitor plots on Stebbins Dune, the Fingal's Finger aeolian site (south of I-10 near Haugen-Lehmann Way) and the sand ramps captured in the western Indio Hills in the vicinity of the Kim Nicol Trail.

Questions to be addressed:

- Are invasive species such as Sahara mustard, Mediterranean split grass, and other invasive plants, along with possible predators that have been augmented by anthropogenic activities (ravens, roadrunners, kestrels) having a negative impact on any

of the covered aeolian species or their habitats? If negative impacts are identified, management efforts to control problematic species need to be implemented.

- The remaining aeolian habitats within the Coachella Valley are highly fragmented. To what extent has that fragmentation resulted in reduced breeding and population sustainability? Because the annual recruitment of these populations is closely tied to annual precipitation, answering this question must consider those annual and spatial variations in resources. However, if depressed breeding is identified on any of the habitat fragments, management options such as translocation individuals between fragments to increase genetic diversity should be considered.
- Climate change is a threat to all species, however for sand dune obligate species there is nowhere to go. No higher elevation to find suitable habitat. To what extent is climate change impacting the sustainability of our aeolian sand species? Are there management strategies that can increase the sand delivery and habitat quality to the more western habitat fragments which should otherwise be more resilient to climate change effects (because they are cooler and wetter than eastern fragments).
- Sand transport processes are compromised for every otherwise protected aeolian sand preserve. To what extent are incremental reductions in sand transport impacting habitat quality? What management actions can be employed to slow the movement of sand through the preserved lands, while not stabilizing those sand so that they are no longer suitable habitat for many of the sand species?

Deliverables:

- Annual report to the CVCC detailing aeolian species population dynamics between populations and between years for each core conservation area.
- Identify drivers and stressors to those dynamics, as well whether changes in management strategies are called for to ensure the sustainability of each population.

Aeolian Species Monitoring	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Protocol Review / Coordination												
CV Sand-treader Crickets												
Perennial and annual plants surveys												
CV Milkvetch												
Arthropods												
Spring Vertebrates												
Fall Vertebrate Recruitment												
Report Writing												

Task B: Mecca Aster

The first systematic baseline survey of Mecca Aster (*Xylorhiza cognata*) for the CVMSHCP (since the original development of the occurrence databases in 2002) was in 2013-2014. At that time, Mecca Aster was found at 16 out of 20 survey sites in the Mecca Hills/Orocopia Mountains Conservation Area. They are known to occur as well in the East Indio Hills Conservation Area. During the 2013-2014 surveys, baseline demographic data were taken for populations occurring at each site; these data were used to determine population trends, expanded upon and standardized in the 2019-2020 season. For the Mecca aster, repeat surveys were able to confirm that the plant remains extant where it was found in 2014, and

standardized methodology will allow more direct comparisons of establishment and mortality over time in future years. Due to the continuation of long-term drought conditions since these species were first inventoried, it is necessary to visit long-term plots to determine if there has been any expansion or contraction of the species range. Researchers will revisit the sites documented in baseline surveys and document any mortality or recruitment at those sites, and incorporate data from populations on Plan-area adjacent lands

The proposed survey would provide resource managers with critical information with which to assess whether the MSHCP/ NCCP is currently meeting its Mecca aster and conservation goals and objectives, including conservation of essential habitat and habitat quality. This study will fulfill required objectives listed under conservation strategies for Plants in 9.2, *Species Conservation Goals and Objectives* in Section 9.2.1.1 and 9.2.1.2 for the Mecca aster.

Deliverables:

- Report detailing results of implementation of the repeat surveys for Mecca aster.
- Biological dataset detailing plot locations, species presence, abundance, mortality and recruitment observed.

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Mecca aster												
Planning/permitting												
Surveys												
Report Writing												

Task C: Orocopia Sage:

The first systematic baseline survey of Orocopia sage (*Saliva greatae*) for the CVMSHCP (since the original development of the occurrence databases in 2002) was in 2013-2014. In 2013-2014 Orocopia Sage was found at 9 out of 14 survey sites in the Mecca Hills/Orocopia Mountains and the Dos Palmas Conservation Area. During the 2013-2014 surveys, baseline demographic data were taken for populations occurring at each site; these data were used to determine population trends, expanded upon and standardized in the 2019-2020 season. For the Orocopia sage, analysis of results from 2019-2020 indicated a possible upward shift in the mean elevation of populations, along with an indication that plant condition and mortality declined as elevation decreased (Davis *et al.*, Madroño, *In Press*). Newly-standardized methodology will allow more direct comparisons of establishment and mortality over time in future years.

Due to the continuation of long-term drought conditions since these species were first inventoried, it is necessary to visit long-term plots to determine if there has been any expansion or contraction of the species range. Researchers will revisit the sites documented in baseline surveys and document any mortality or recruitment at those sites, associated vegetation and topography, and incorporate data from populations on Plan-area adjacent lands.

The proposed survey would provide resource managers with critical information with which to assess whether the MSHCP/ NCCP is currently meeting Orocopia sage conservation goals and objectives, including conservation of essential habitat and habitat quality. This study will fulfill required objectives listed under conservation strategies for Plants in 9.2, *Species Conservation Goals and Objectives* in Section 9.2.4.1 and 9.2.4.2 for Orocopia sage.

Deliverables:

- Report detailing results of implementation of the repeat surveys for Orocopia sage.
- Biological dataset detailing plot locations, species presence, abundance, mortality and recruitment observed.

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Orocopia sage												
Planning/permitting												
Surveys												
Report Writing												

Task D: CV Jerusalem Cricket

The Coachella Valley Jerusalem Cricket (*Ammopelmatus cahuilaensis*, formerly *Stenopelmatus cahuilaensis*, CVJC), is a large, wingless stenopelmatid cricket known only from a small portion of the far-western Coachella Valley. CVJC has a poorly defined yet narrow distribution, restricted to the Snow Creek/Windy Point, Stubbe/Cottonwood and Whitewater Conservation Areas in the Coachella Valley. Within its known range there are distinct east to west gradients in both mean annual temperature and precipitation. Temperatures decline and annual precipitation increases along this east to west gradient. This temperature-precipitation gradient may be a key to understanding the current and future distribution of this species. The species occurs in a region expected to experience among the largest temperature and precipitation shifts related to climate change within temperate North America, and may serve as an important indicator of climate change in this region.

UCR will investigate additional locations at the eastern margin of CVJC range that were not monitored in 2018-2019, such as Windy Cove and the Whitewater Floodplain. UCR will also monitor a single well-studied coverboard network in Snow Creek to provide a baseline population density to use as comparison. Shifting monitoring focus to range margins will allow for better detection of additional range contraction, as well as better understanding of the unusual, isolated CVJC population on Whitewater Hill.

Deliverables:

- Report detailing results of implementation of the surveys
- Biological dataset detailing plot locations, species presence, abundance, mortality and recruitment observed.

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
CV Jerusalem Cricket												
Surveys												
Report writing												

Task E: Invasive Species Coordination

The inter-agency and coordination of invasive species detection, control, management and public outreach relies on the function of the Weed Management Areas in California. These groups provide a forum that crosses boundaries and ownerships to communicate and coordinate work on invasive species for the benefit of biodiversity conservation in the Coachella Valley. As part of the Low Desert Weed Management Area ad-hoc steering committee, UCR will provide coordination and advisory in the context of the CVMSCHP, assisting with the coordination of these quarterly-to-biannual meetings and activities (such as field trips or public outreach) throughout the year.

Deliverables:

- Coordinated Low Desert Weed Management Area meetings, 2-4 per year.

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Invasive Species Coordination												

Task F: Desert Tortoise and Invasive Species Modeling

Agassiz's desert tortoises that live in the mountains surrounding the Coachella Valley are protected under the ESA as threatened. However, despite being covered under the Coachella Valley Multiple Species Habitat Conservation Plan they are not the recipients of any active recovery efforts since they exist mostly outside the boundaries of designated critical habitat for the recovery of the species. Scattered populations are known to exist in the Whitewater Hills (Mesa study site), Painted Hills, and Santa Rosa Mountains. The Mesa tortoises are well-studied by virtue of research on the effects of wind energy operation on wildlife by the U.S. Geological Survey. However, earlier research suggests that the Mesa population declined from 1997-2013. Despite high primary productivity of tortoise food plants and high reproductive output, the population shows little evidence of recruitment for reasons that are currently unknown. The Mesa population is the largest in the region but has not been sampled since 2013.

Current data on population size and survivorship are needed to determine if the decline continues and identify causative factors. Understanding how tortoises are behaviorally-adapted to live in these hot, low, southerly locations may help to understand how they will fare under future warming temperature scenarios predicted to cause declines in and around nearby Joshua Tree National Park. UCR CCB will use new location data to update current

suitable habitat models of tortoises and several invasive species that are known to be impacting desert tortoise foraging quality.

Deliverables:

- Geospatial habitat models for the desert tortoise in the region and as well as for priority invasive species, as determined by the findings of USGS.

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Tortoise and Invasive Annual Plant Modeling												
Report writing												

COACHELLA VALLEY
CONSERVATION COMMISSION

THE REGENTS OF THE UNIVERSITY
OF CALIFORNIA

By: _____
Tom Kirk
Executive Director

By: _____
Karen S. Garcia
Sr. Contract & Grant Officer

Dated July 1, 2022

EXHIBIT A

Tasks	Assistant Research Ecologist Time (months)	Assistant Research Specialist Time (months)	Assistant Research Specialist Time (months)	Time Cost by Task	Travel	Supplies Cost	SubTotal Cost	Indirect Cost	Total Cost for Project
I. Administrative Tasks	1.6	0.2	0	\$19,977	\$9,000	\$2,000	\$30,977	\$3,098	\$34,074
II. Biological Monitoring									
Task A: Aeolian Species Monitoring	3.5	3.8	3.6	\$95,167			\$95,167	\$9,517	\$104,684
Task B: XYCO	1.1	1.3	1.3	\$31,937			\$31,937	\$3,194	\$35,131
Task C: SAGR	1.2	1.2	1.4	\$33,093			\$33,093	\$3,309	\$36,403
Task D: CV Jerusalem Cricket	0.3	1	1	\$18,253			\$18,253	\$1,825	\$20,078
Task E: Invasive Species Coord	0.5	0.4	0.4	\$11,694			\$11,694	\$1,169	\$12,864
Task F: Tortoise Modeling	0.5			\$5,781			\$5,781	\$578	\$6,359
Total Months	8.7	7.9	7.7						
% time	73%	66%	64%						
Total	\$100,584	\$58,398	\$56,920	\$215,902	\$9,000	\$2,000	\$226,902	\$22,690	\$249,592
Monthly Wages (Sal + Ben)*	\$11,561.42	\$7,392.17	\$7,392.17						
Average hourly rate without Benefits Eff. Jul 1, 2022	\$44.59	\$28.51	\$28.51						

Coachella Valley Conservation Commission
June 9, 2022



STAFF REPORT

Subject: Acquisition of three parcels in the Edom Hill, Thousand Palms and Desert Tortoise Linkage Conservation Areas

Contact: Jim Karpiak, Coachella Valley Mountains Conservancy (jkarpiak@cvmc.ca.gov)

Recommendation: Approve Resolution 2022-06 for acquisition of three parcels consisting of approximately 64.86+/- acres in the Edom Hill, Thousand Palms and Desert Tortoise Linkage Conservation Areas at a combined cost not to exceed \$754,540, plus closing and transaction related costs not to exceed \$20,000, and authorize the Executive Director to execute all necessary contracts and take such other actions as necessary for the acquisitions

Background: In March and May 2022, appraisal reports were completed for targeted properties in the Edom Hill, Thousand Palms and Desert Tortoise Linkage Conservation Areas. The fair market values of the properties were determined, and contingent offer letters were then sent to potential willing sellers. Three separate landowners accepted contingent offers and have executed Agreements for the Purchase and Sale of Real Estate with the CVCC for the following parcels:

Edom Hill: APN 659-120-009 consists of approximately 40.0+/-acres, for a purchase price of \$540,000 (or \$13,500 per acre), plus closing costs and transaction related costs totaling approximately \$8,500.

Thousand Palms: APN 648-170-006 consists of approximately 4.86+/-acres, for a purchase price of \$189,540 (or \$39,000 per acre), plus closing costs and transaction related costs totaling approximately \$8,500.

Desert Tortoise Linkage: APN 715-271-018 consists of approximately 20.0+/-acres, for a purchase of \$25,000 (or \$1,250 per acre), plus closing costs and transaction related costs totaling approximately \$3,000.

The purchase price of the property is consistent with other recent conservation purchases in these areas.

The parcel in the Edom Hill Conservation Area features important sand source for the Coachella Valley Fringe-toed Lizard Preserve, as well as providing habitat for the Coachella Valley fringe-toed lizard, the Coachella Valley round-tailed ground squirrel, the Palm Springs pocket mouse, and the Coachella Valley milkvetch. This parcel is especially ripe for development because it is directly adjacent to an area with much stricter limits on development, which is reflected in the higher price.

The parcel within the Thousand Palms Conservation Area is within Section 8 and contains a critical fluvial sand transport process area that is essential for the long-term viability of the original Coachella Valley Fringe-toed Lizard Preserve. Because this area is at high risk for development and contains a significant amount of the most critical habitat, the Coachella Valley Multiple Species

Habitat Conservation Plan (CVMSHCP) requires CVCC to purchase land offered by willing sellers at the highest priority for as long as vacant parcels remain available.

The parcel in the Desert Tortoise Linkage Conservation Areas features important habitat for the Le Conte's thrasher, Mecca aster, Orocopia sage, Least Bell's vireo, southwestern willow flycatcher, summer tanager, yellow warbler, yellow-breasted chat, Coachella Valley round-tailed ground squirrel and Palm Springs pocket mouse. This conservation area also serves as a wildlife movement corridor between the Joshua Tree National Park and Mecca Hills/Orocopia Mountains Conservation Areas.

All these parcels contain hydrologic features, cultural resources, significant scenic attributes, and future recreational options consistent with the CVMSHCP. Furthermore, the property is near other parcels already owned by CVCC and its conservation partners, making for efficient management practices.

The purchase agreements are contingent upon: (1) approval by the CVCC; (2) Sellers' ability to provide the CVCC an owner's policy of title insurance subject only to such exceptions as may be accepted in writing by the CVCC; and (3) a site inspection demonstrating that there are no hazardous materials or hazardous conditions on the property, and all debris shall be removed by close of escrow by sellers.

Staff recommends the CVCC approve Resolution 2022-06 and acquire the parcels for use as part of the CVMSHCP reserve system with recreational options, consistent with habitat values in perpetuity to advance the plan's goals and objectives.

Fiscal Analysis: The cost of the purchase is \$754,540, with closing costs not to exceed \$20,000. Funding for this purchase is available in CVCC's Land Acquisition Fund.

Attachments:

1. Resolution 2022-06
2. Property location maps

Resolution No. 2022-06

**A RESOLUTION OF THE
COACHELLA VALLEY CONSERVATION COMMISSION
AUTHORIZING ACQUISITION OF
APN'S 659-120-009, 648-170-006 and 715-271-018**

WHEREAS, the Coachella Valley Conservation Commission ("Commission") is a public agency of the State of California formed by a Joint Exercise of Powers Agreement; and

WHEREAS, the Commission implements the Coachella Valley Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan ("Plan"); and

WHEREAS, the primary means of conservation under the Plan is acquisition of land from willing sellers; and

WHEREAS, APNs 659-120-009, 648-170-006 and 715-271-018 consisting of approximately 64.86+/- acres, as further described in Exhibit A (collectively, "Property"), are within the Edom Hill, Thousand Palms and Desert tortoise Linkage Conservation Areas of the Plan, containing biological resources such as important plant or wildlife habitat or hydrologic features, cultural resources, significant scenic attributes, and recreational options consistent with habitat values; and

WHEREAS, the owners have accepted contingent offers for the Commission to purchase the Property at the fair market value determined by an appraisal; and

WHEREAS, acquisition of the Property would advance the goals and objectives of the Plan; and

NOW, THEREFORE, be it resolved that the Commission approves the purchase of the Property using the Land Acquisition Fund at the appraised fair market value of \$754,540.00, plus closing and transaction related costs estimated not to exceed \$20,000.00; and

FURTHER, the Commission hereby authorizes the Executive Director to negotiate and execute all necessary contracts and documents and take such other actions as necessary to effect the acquisition of the Property.

The foregoing Resolution was passed by the Coachella Valley Conservation Commission this 9th day of June 2022.

APPROVED:

Linda Evans
Chair

Tom Kirk
Executive Director

Exhibit A

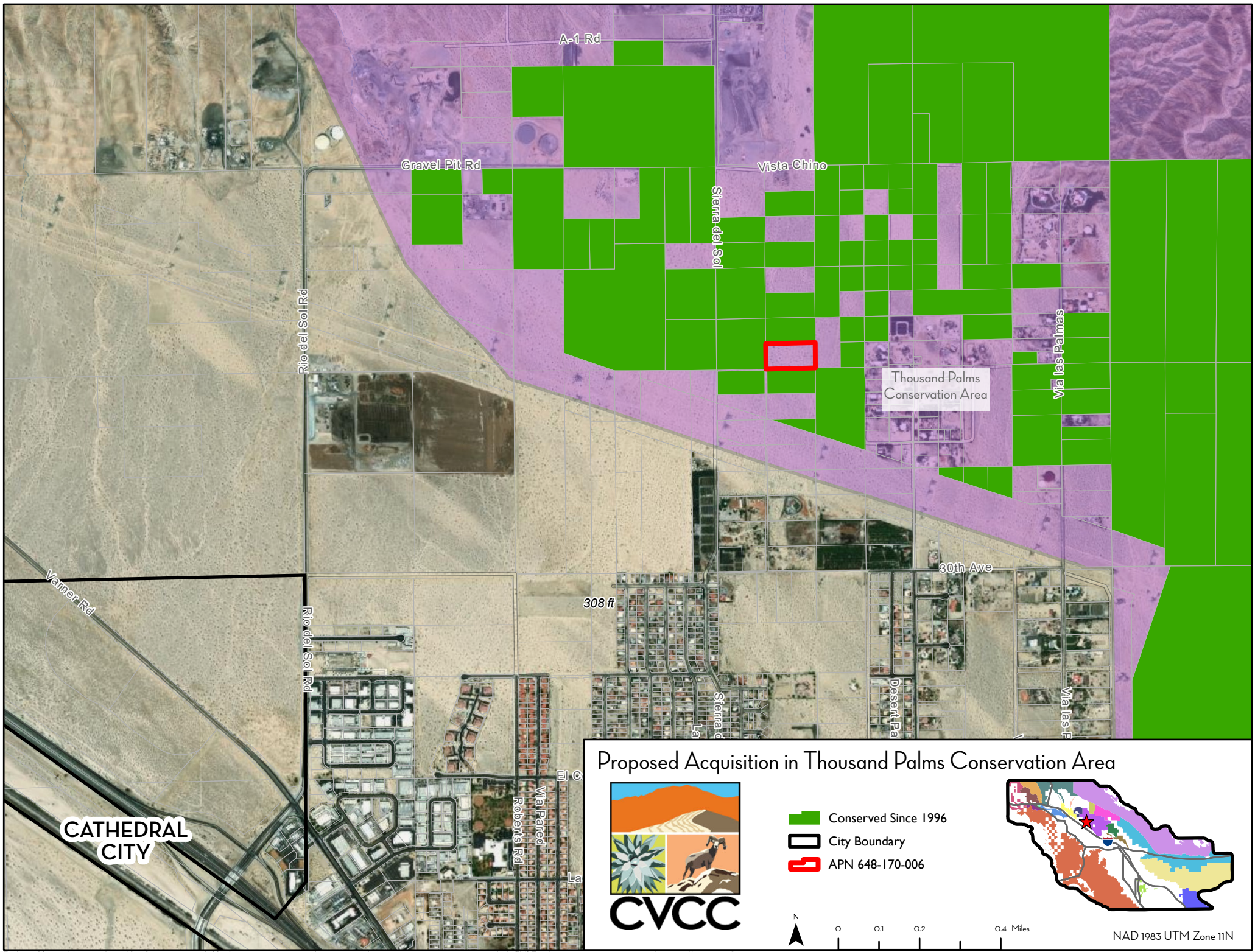
Legal Description of Real Property to be Acquired

The land referred to herein is situated in the State of California, County of Riverside and described as follows.

40.00 ACRES IN POR NE 1/4 OF SEC 22 T3S R5E IN THE COUNTY OF RIVERSIDE. STATE OF CALIFORNIA
APN: 659-120-009

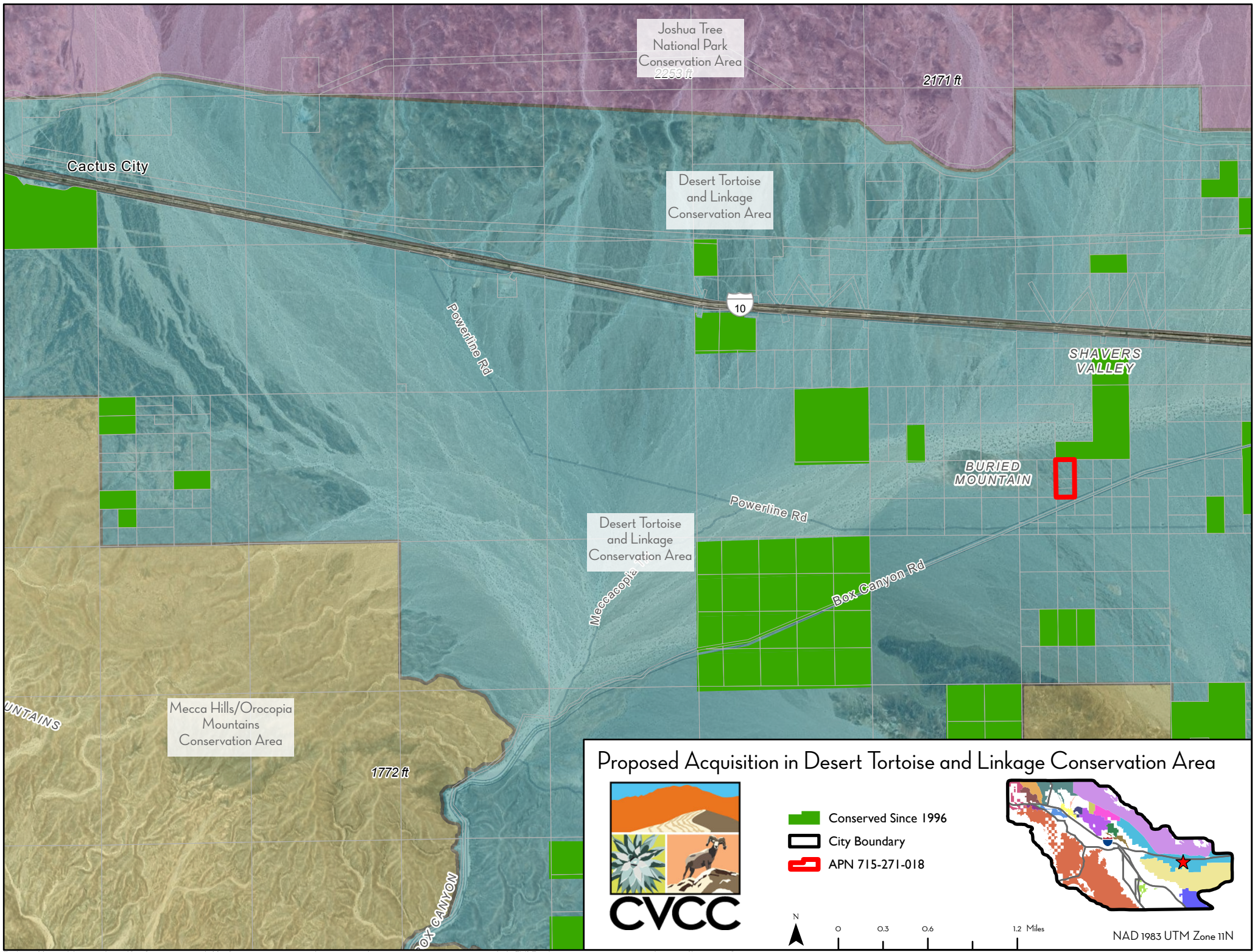
4.86 ACRES IN POR NW 1/4 OF SEC 8 T4S R6E IN THE COUNTY OF RIVERSIDE. STATE OF CALIFORNIA
APN: 648-170-006

20.0 ACRES IN THE WEST 1/2 OF NORTHEAST 1/4 OF SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 6 SOUTH, RANGE 11 EAST OF SAN BERNARDINO BASE AND MERIDIAN, MORE OR LESS, IN THE COUNTY OF RIVERSIDE. STATE OF CALIFORNIA
APN: 715-271-018



Disclaimer: Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. CVAG makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

CVAGs 2022 Sources: CVCC, Riverside County GIS, US Census Bureau, Esri



Joshua Tree
National Park
Conservation Area
2253 ft

2171 ft

Cactus City

Desert Tortoise
and Linkage
Conservation Area

10

Powerline Rd

SHIVERS
VALLEY

BURIED
MOUNTAIN

Desert Tortoise
and Linkage
Conservation Area

Powerline Rd

Box Canyon Rd

Mecca Hills/Orocopia
Mountains
Conservation Area

1772 ft

UNTAINS

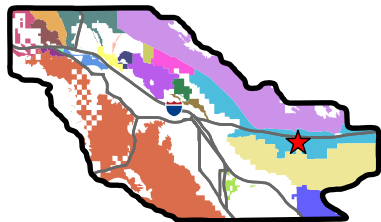
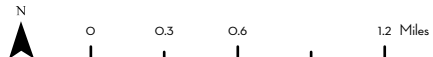
BOX CANYON

Proposed Acquisition in Desert Tortoise and Linkage Conservation Area



CVCC

- Conserved Since 1996
- City Boundary
- APN 715-271-018



NAD 1983 UTM Zone 11N

Coachella Valley Conservation Commission
June 9, 2022



STAFF REPORT

Subject: Maintenance Contract with Desert Recreation District

Contact: Kathleen Brundige, Director of Conservation (kbrundige@cvag.org)

Recommendation: Authorize the Executive Director to enter into a contract with Desert Recreation District for not to exceed amount of \$95,000 through September 30, 2022 to provide maintenance and cleanup services on conservation properties, including fences, gates, boulders and signs; and authorize the Executive Director and/ or legal counsel to make minor modifications prior to contract execution

Background: Each year, CVCC acquires conservation properties for the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) once an initial inspection and cleanup of the parcels are complete. As part of regular monitoring, staff has observed that maintenance is required on many parcels due to the amount of vandalism to the fencing, gates, and signage as well as illegal dumping. CVCC has approximately 13 miles of fencing in several conservation areas that require persistent monitoring to dissuade vandalism, illegal dumping, and off-road vehicle use that pose threats to the covered habitats and species. Staff circulated a request for proposals (RFP) in August 2021 to potential fencing and maintenance contractors and received no responses. Staff received some comments from qualified contractors that they were at capacity with the increase in construction after the lift from the Stay-At-Home orders. The RFP was also sent to the Conservation Corps but they were engaged for most of 2021 with assisting wildfire crews throughout California and were also unable to respond.

During fall 2021, Coachella Valley Mountains Conservancy (CVMC) notified CVCC that significant repairs were needed on fences funded through Capital Improvement Grants that had been vandalized in the Thousand Palms Conservation Area. CVCC has a Cooperative Management Agreement with CVMC to better manage adjacent properties through shared staff and in October 2019, CVMC entered into a Joint Powers Authority with Desert Recreation District to better maintain conservation properties. CVMC had Desert Recreation District (DRD) bid on the work to repair and replace post and cable fencing as well as install boulders and signage adjacent to the CVCC parcels. DRD also provided a bid for the adjacent CVCC parcels. After legal review and due to a lack of response from the RFP, and DRD's willingness to complete the work quickly, CVCC's Executive Director entered into a small maintenance contract of not-to-exceed \$20,000 to address work through June 30. Staff is now recommending a larger contract that will extend through September 30, 2022, to address urgent maintenance needs over the summer and provide an initial assessment period for CVCC staff and DRD to determine if the partnership is successful and beneficial to both parties.

The DRD is a public agency of the State of California established pursuant to Division 5, Chapter 4, of the Public Resources Code. DRD has the authority and expertise to acquire, develop, conserve, and manage open space and other parkland for the public benefit and for recreational

use and enjoyment, and DRD staff possess expertise in developing and managing recreation programs and in implementing public works projects. Per the attached scope of work, a maintenance contract with DRD will include repairing existing fencing and gates and installing boulders and signs where needed. Depending on the task order issued by staff, DRD may also clean up properties with illegal dumping. Staff will ensure that biological resources and habitat values are protected consistent with the CVMSHCP when undertaking any task order.

Fiscal Impact: This contract is for a not to exceed amount of \$95,000, through September 30, 2022, based on land management needs as recommended by staff, and pending approval of the annual CVCC budget. DRD will invoice CVCC on a time and materials basis, based on the rate sheet provided and include an overhead cost of 15% of direct expenses. The contract allows for a time extension by the CVCC Executive Director, which would not impact the total cost.

Funding for this project will be from the CVCC Land Acquisition - Land Improvement fund, which includes \$100,000 in the FY 2021/2022 budget for these tasks, and \$300,000 in the proposed FY 2022/20s23 budget.

Contract Finalization: Upon the CVCC's approval, the Executive Director will negotiate and execute all necessary contracts and documents, pending legal review, and take such other actions as required to affect the execution of the contract.

Attachment:

Draft Contract for Reserve Maintenance with Desert Recreation District with Rate Sheet

**Services Contract
Between
Desert Recreation District and the Coachella Valley Conservation Commission
for Fencing, Maintenance and Cleanup of Conservation Properties**

This Services Contract ("Contract") is made and effective as of June 9th, 2022, between and by Desert Recreation District ("District") and the Coachella Valley Conservation Commission ("CVCC") for maintenance of fencing, gates, signage and cleanup of properties on reserve lands within the Conservation Areas (described herein as the "Properties") of the Coachella Valley Multiple Species Habitat Conservation Plan.

RECITALS

WHEREAS, the Coachella Valley Conservation Commission (hereinafter "CVCC") is a joint powers authority responsible for implementing the Coachella Valley Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan ("CVMSHCP") a multi-jurisdictional habitat conservation plan that addresses biological and ecological diversity conservation needs in eastern Riverside County, setting aside significant areas for the conservation of sensitive habitats; and

WHEREAS, the Desert Recreation District (hereinafter "the District") is a public agency duly constituted body corporate and politic of the State of California established pursuant to Division 5, Chapter 4, of the Public Resources Code (Section 5780 et seq.); and

WHEREAS, CVCC has the authority and expertise to acquire, conserve and manage conservation lands on behalf of its permittees and partners to fulfill the requirements of the CVMSHCP and staff possesses particular expertise in land acquisition, restoration and wildlife management; and

WHEREAS, the District has the authority and expertise to acquire, develop, conserve, and manage open space and other parkland for the public benefit and for recreational use and enjoyment, and the District staff possess particular expertise in developing and managing recreation programs and in implementing public works projects; and

WHEREAS, CVCC needs to maintain fencing, signage, and barriers and to cleanup illegal dumping to protect Properties in the Conservation Areas to fulfill the requirements of the CVMSHCP to conserve the Properties' biological and ecological value; and

WHEREAS, CVCC desires to contract with the District to provide these services as set forth herein, thereby assisting CVCC in its obligation to implement management requirements set forth in the MSHCP;

NOW THEREFORE, CVCC and the District agree as follows:

1. CVCC hereby retains the District to serve as a Maintenance Contractor and to provide such staff as may be necessary to fulfill the management needs and requirements of CVCC and the District agrees to provide such services as outline in the Scope of Work attached hereto and incorporated herein by this reference as "Exhibit A" all upon the terms set forth below. The District's actions pursuant to this Contract shall be consistent with the MSHCP as determined by the District or as may be specified in writing by the CVCC.
2. The District's General Manager, acting either individually or through such personnel as they should appoint, shall act as and be a Maintenance Contractor for CVCC, and shall administer, coordinate and supervise maintenance activities as set forth in this Agreement. The Maintenance Contractor will provide a monthly report of maintenance activities performed on the Conservation Lands to the CVCC.
3. Termination: This Services Contract shall commence effective June 9th, 2022 and continue until September 30, 2022. Thereupon, the Parties may extend the term of the Contract for up to one year upon written agreement. During any subsequent term, this contract may be terminated by either party upon giving the other party three (3) months written notice.
4. Compensation: This contract is for a not-to-exceed amount of \$95,000, paid on a time and materials basis. In consideration of the District's performance of the services of Maintenance Contractor as set forth in Sections 1 through 3 above, CVCC shall pay to the District the costs and sums specified in Exhibit "B" and including but not limited to the actual cost of the materials. The District shall submit to the CVCC a budget for the services of the Maintenance Contractor per work orders issued by CVCC staff. The District shall not exceed the amount of this Agreement without prior written approval by the CVCC Executive Director. The costs and sums specified in Exhibit "B" shall be modified based upon the acres managed, linear feet of post and cable repaired as well as inflation and the CVCC approved budget. Any modifications of the sums shall be approved in writing by the CVCC representative and the Maintenance Contractor. Such costs and sums shall be paid at the times and in the manner specified in Exhibit "B". In the event of the early termination of this Contract during a payment month pursuant to Section 3 above, the Authority shall, with respect to fixed compensation amounts such as personnel, salaries and general overhead charges, pay the District a pro rata proportion of the monthly payment represented by the proportion of days of the payment month which this Contract remains in effect. Such payment shall reflect any approved modifications.
5. Work Plans. As indicated in the Scope of Work identified in Exhibit "A," it is understood by both parties that work plans and accompanying budgets will be

prepared by the District and submitted to CVCC staff for review and approval prior to the beginning of each work order.

6. Vehicle/Equipment Purchase, Use, Maintenance and Ownership. It is understood by the parties that vehicles and other equipment necessary to perform the services of Maintenance Contractor pursuant to the terms of this Contract and as provided for in any approved budget and work plan shall be purchased by the District and paid for by CVCC. It is further understood that any vehicles or other equipment purchased shall be used by the District solely in connection with the performance of the services to be provided pursuant to this Contract unless otherwise authorized in writing by the CVCC. Any vehicles or other equipment purchased and paid for by the District shall be owned by the District. Maintenance of the vehicles and other equipment purchased and used by the District to perform the services of Maintenance Contractor shall be performed by the District. District shall by invoice CVCC for the cost of the maintenance work provided. CVCC agrees to reimburse the District for the cost of this maintenance work at the times and in the manner specified for other work performed pursuant to this Contract and as set forth in Exhibit "B." Upon termination of this Contract, the District shall transfer to the CVCC any vehicles and/or other equipment purchased for use under this Contract within thirty (30) days.
7. Independent Contractor. CVCC retains the District on an independent contractor basis. District is not, and shall not be considered to be in any manner, an employee of the CVCC. Any personnel performing the services under this Contract on behalf of District shall at all times be under District's exclusive direction and control. District shall pay all wages, salaries and other amounts due such personnel in connection with their performance of services and as required by law. District shall be responsible for all reports and obligations respecting such personnel, including but not limited to, social security taxes, income tax withholdings, unemployment insurance, and worker's compensation insurance.
8. Qualified Personnel. The District will only hire and utilize highly qualified, and professional personnel. District personnel will not only be expected to meet the basic required skills as shown on the Riverside County Department of Human Resources job descriptions but will also be selected on other experience and skills to insure the highest quality personnel and management.
9. Indemnification. Except for any negligent act, error or omission arising out of District's performance of services during the term of this Contract, CVCC shall indemnify and hold harmless the District, its board, officers, elected and appointed officials, employees, agents and representatives from any liability whatsoever, based or asserted upon the services of the District, its board, officers, elected and appointed officials, employees, agents and representatives arising out of or in any way relating to this Contract. CVCC shall defend, at its sole expense, all costs and fees including but not limited to attorney fees, cost of investigation, defense and

settlements or awards, the District, its board, officers , elected and appointed officials, employees, agents and representatives in any such claim or action.

The District shall indemnify and hold harmless CVCC, its board, officers, elected and appointed officials, employees, agents and representatives from any liability for any negligent act, error or omission arising out of District's performance of services during the term of this Contract. District shall defend, at its sole expense, all costs and fees including but not limited to attorney fees, cost of investigation, defense and settlements or awards, CVCC, its board, officers, elected and appointed officials, employees, agents and representatives in any such claim or action.

10. Conflict of Interest. The District shall have no interest, and shall not acquire any interest, direct or indirect, which will conflict in any manner or degree with the performance of services provided under this Contract.
11. Administration. The Executive Director of CVCC (or designee) shall administer this Contract on behalf of the CVCC.
12. Assignment. This Contract shall not be assigned by CVCC or the District, either in whole or in part.. Any assignment or purported assignment of this Contract without the prior written consent of the other party will be deemed void and of no force or effect.
13. License and Certification. District verifies upon execution of this Contract, possession of all required current and valid licenses in compliance with any local, State, and Federal laws and regulations relative to the scope of services to be performed under Exhibit "A", and that said services will be performed by properly trained and licensed staff.
14. Jurisdiction, Venue, Attorneys Fees. This Contract is to be construed under the laws of the State of California. The parties agree to the jurisdiction and venue of the appropriated courts in the County of Riverside, State of California. Should action be brought to enforce or interpret the provisions of the Contract, the prevailing party shall be entitled to attorney's fees in addition to whatever other relief is granted.
15. Notice. A party giving notice as required in the Contract shall provide for personal delivery of such notice or shall send such notice by United States mail, postage prepaid, to the agent and address of the other party as set forth below:

To CVCC:

Tom Kirk, Executive Director

COACHELLA VALLEY CONSERVATION COMMISSION
73-710 Fred Waring Drive, Suite 200 Palm Desert, CA 92260

To the District:

Troy Strange, Dir. of Planning & Public Works
DESERT RECREATION DISTRICT
45-305 Oasis Street
Indio, CA 92201

16. Entire Agreement. This Contract represents the entire agreement between the parties with respect to personnel provided by the District to the CVCC and shall be effective as of June 9th, 2022. As indicated in the Scope of Work identified in Exhibit "A," it is understood that the Scope of Work will need to be amended as the amount of land to be managed increases and as other services may be required by the Authority. Therefore, any amendment or modification of the provisions of this Contract including any amendment to the Scope of Work identified in Exhibit "A," must be in writing and signed by each of the parties hereto.
17. Severability. If any term, provision, covenant or condition of this Contract is held by a court of competent jurisdiction to be invalid, void or unenforceable, the rest of this Contract shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

Tom Kirk
Executive Director
Coachella Valley Conservation Commission

Kevin Kalman
General Manager
Desert Recreation District

Exhibit "A"
MSHCP Maintenance
Scope of Work

This Scope of Work describes the tasks to be performed by the Desert Recreation District (the "District") on lands owned by the Coachella Valley Conservation Commission ("CVCC") under the auspices of the Coachella Valley Multiple Species Habitat Conservation Plan (MSHCP). The District will serve as a contractor to the CVCC for the day-to-day maintenance of identified MSHCP lands. Initially the primary foci of this management will be the protection, maintenance, and enhancement of these lands consistent with the MSHCP goals for species and habitats. The acreage of lands covered by this Scope of Work could change significantly as more MSHCP lands are acquired. As a result, this Scope of Work is primarily applicable through FY 2022/2023. The District's responsibilities and funding for management from the CVCC will change over time and some changes may take actions by the CVCC or other governing bodies.

Task I: Habitat Maintenance

Access Control Maintenance and Repairs:

The Maintenance Staff will receive direction from the CVCC Conservation Management Analyst for routine maintenance of access controls, and repair or replace these controls accordingly. Such maintenance will include, but is not limited to, fence mending, sign replacement, barrier construction and repair, and trash removal.

Planning and Reporting:

The District shall report issues and activity to the CVCC if needed to assist with identifying priorities for future land management efforts. Significant events and/or patterns will be verbally relayed regularly to the CVCC at scheduled meetings. Work Plans and accompanying budgets will be prepared by the District and submitted to CVCC staff for review and approval prior to the beginning of each work order. These Plans will propose a course of action for the work order and will incorporate any results learned from previous habitat enhancement experiments whose results have been finalized. Verbal reports or presentations will be presented by the District if necessary to the Reserve Management Unit Committee and Reserve Management Oversight Committee.

Exhibit "B"

Compensation shall be paid to the District by CVCC for the items listed below:

1. The actual costs of salary and benefits for District staff members (attached below), under the direction of the General Manager, to provide services as Maintenance Contractor of the CVCC and such other staff services as may be required, in such amounts as shall be set forth in the budget of the CVCC for Land Improvements, and as said budget may from time to time be amended by the CVCC;
2. A sum for general overhead expenses equal to fifteen percent (15%) of the total direct costs paid pursuant to Section 1 of this Exhibit and including but not limited to materials needed to complete the work order. The general overhead rate shall not apply to the cost for vehicles, equipment, and items classified as fixed assets (i.e. single purchase items with a value greater than \$5,000 and life expectancy of greater than one year);
3. The District shall periodically, but no more frequently than monthly nor less frequently than quarterly provide an invoice to CVCC itemizing charges for the billing period. The CVCC shall provide prompt payment within thirty (30) days of receipt of said invoice to the District by means of electronic fund transfer or check from CVCC accounts to the District.

Desert Recreation District Maintenance and Repair Rates

Maintenance Worker I	Hourly Rate \$24.62
	Benefits Rate \$14.42
	Total Rates: \$39.04




Maintenance Worker II	Hourly Rate \$25.24
	Benefits Rate \$14.42
	Total Rates: \$39.66

The rates are labor costs only and do not include material and equipment cost. There is a 15% administration fee applied to all direct costs for services.

Item 8A

**COACHELLA VALLEY CONSERVATION COMMISSION
FY2021-2022 ATTENDANCE RECORD**

JURISDICTION / AGENCY	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN
City of Cathedral City	-	-	-	✓	✓	-	-	✓	-	✓	✓	
City of Coachella	-	-	-	✓	✓	-	-	✓	-	✓	✓	
Coachella Valley Water District	-	-	-			-	-	✓	-	✓	✓	
City of Desert Hot Springs	-	-	-	✓	✓	-	-	✓	-	✓	✓	
Imperial Irrigation District	-	-	-	✓		-	-	✓	-	✓		
City of Indian Wells	-	-	-	✓	✓	-	-	✓	-	✓		
City of Indio	-	-	-	✓	✓	-	-	✓	-	✓	✓	
City of La Quinta	-	-	-	✓	✓	-	-	✓	-	✓	✓	
City of Palm Desert	-	-	-	✓	✓	-	-	✓	-	✓	✓	
Mission Springs Water District	-	-	-	✓	✓	-	-	✓	-	✓	✓	
City of Palm Springs	-	-	-	✓	✓	-	-	✓	-	✓	✓	
City of Rancho Mirage	-	-	-	✓	✓	-	-	✓	-	✓	✓	
Riverside County - District 1	-	-	-	✓	✓	-	-		-	✓	✓	
Riverside County - District 2	-	-	-	✓	✓	-	-	✓	-	✓	✓	
Riverside County - District 3	-	-	-	✓	✓	-	-	✓	-	✓	✓	
Riverside County - District 4	-	-	-	✓		-	-	✓	-	✓	✓	
Riverside County - District 5	-	-	-	✓	✓	-	-	✓	-	✓	✓	

Absent 
 Present 
 No Meeting 

Item 8B

Coachella Valley Conservation Commission
June 9, 2022



STAFF REPORT

Subject: Contracts Under \$25,000

Contact: Allen McMillen, Management Analyst, (amcmillen@cvag.org)

Recommendation: Information

Background: The following contracts were signed by the CVCC Executive Director, under his signature authority, through the period ending May 31, 2022:

1. A repair services contract with the Desert Recreation District was signed to install boulders and make repairs to cable barriers for the Vista Chino project. The contract runs through June 30, 2022 and is for a not-to-exceed amount of \$20,000.
2. A second contract amendment was executed with Leja Surveying, extending the Boundary Survey and Drone Survey Mapping of Circle B Ranch services contract to August 30, 2022. There is no change to the total, not-to-exceed amount stated in the original agreement, which was authorized for \$6,250.

Fiscal Analysis: The land site services are covered in CVCC's Fiscal Year 2021-22 Land Acquisition Fund – Land Improvements, and the survey services are covered in CVCC's Fiscal Year 2021-22 Land Acquisition Fund – Professional Services.

Coachella Valley Conservation Commission

June 9, 2022



STAFF REPORT

Subject: 2021 Annual Report for the In-Lieu Fee Program

Contact: Peter Satin, Regional Planner (psatin@cvag.org)

Recommendation: Information

Background: The Coachella Valley contains numerous hydrological features that are, or have been considered, Waters of the United States under the federal Clean Water Act, including the Salton Sea, Whitewater River, San Geronio River, as well as many ephemeral streams, dry desert washes, and irrigation ditches. Impacts to these Waters are jointly regulated by the United States Army Corps of Engineers (USACE) and State of California Colorado River Basin Regional Water Quality Control Board (RWQCB), either of whom may require project proponents to offset any proposed disturbance to Waters of the United States through direct restoration activities or through the purchase of mitigation credits from a mitigation bank or in-lieu fee (ILF) program. Purchasing mitigation credits transfers restoration responsibility from the project proponent to the mitigation bank or ILF program sponsor for implementation at an approved restoration site.

The Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) does not cover Waters of the United States, and opportunities to mitigate impacts to this resource in the Coachella Valley have been few and far between. Recognizing this, the Coachella Valley Conservation Commission (CVCC) in June 2014 authorized the execution of an Enabling Instrument with USACE to establish an ILF program. By sponsoring such a program, CVCC would provide not only a means to offset impacts to Waters of the United States locally, but could also ensure that restoration activities are conducted in a manner complementary to the CVMSHCP. In addition to establishing CVCC's ILF program, the Enabling Instrument authorized the sale of up to 50 advance credits to provide seed funding for future restoration activities.

Attached for the Commission's information is the ILF Program Annual Report. The first ILF advance credit was sold in 2016, and developers and project proponents have continued to seek advance credits from CVCC's ILF program. In 2021, CVCC sold 5.57 credits for a total of \$1,221,105 – the most credits sold in any calendar year since the program's inception. The bulk of these credits were sold to Caltrans, although the City of Indio and a private renewable energy company also made purchases from the program. To date, the ILF program has transferred 12.87 advance credits for a total of \$2,794,602. These funds are held in a dedicated account and can only be used towards the planning and implementation of the ILF program.

CVCC submitted for approval in 2016 an initial project site in the Coachella Valley Stormwater Channel and Delta Conservation Area (CVSWCD) that was ultimately rejected due to the potential for take of the endangered desert pupfish. An alternative site, also in the CVSWCD, was submitted for consideration in spring 2020; however, staff shortages at the reviewing agencies delayed any comments until summer 2021. CVCC, in conjunction with third-party consultants, is finalizing the restoration design modifications required in response to comments, and is planning on submitting a revised project site proposal for approval in mid-2022. It is likely that CVCC will need to add additional sites to its ILF program to accommodate the advance credits sold to date. Because conservation under the ILF program is ultimately attributed to USACE, who is not a permittee to

the CVMSCHP, ILF project sites neither receive incidental take coverage from, nor contribute to conservation credit for, the CVMSHCP. With this in mind, CVCC is exploring future sites adjacent to, but outside, designated conservation areas that nonetheless contain degraded aquatic resources in need of restoration.

Fiscal Analysis: The ILF program generated \$1,221,235 in revenue over the course of 2021, and incurred \$33,300 in expenditures, primarily attributed to staff and consultant time in preparing a project site proposal for submission to USACE. The net revenue for the program in 2021 was \$1,187,935, which will be used to fund restoration and long-term management once an initial site is approved and future projects are added to the program.

Attachments:

CVCC In-Lieu Fee Program Annual Report, 2021
Current in-lieu fee credit schedule

COACHELLA VALLEY IN-LIEU FEE PROGRAM ANNUAL REPORT

2021



COACHELLA VALLEY CONSERVATION COMMISSION
73-710 Fred Waring Dr., Ste 200
Palm Desert, CA 92260

Introduction

The Coachella Valley contains numerous hydrological features that have been delineated as Waters of the United States pursuant to the federal Clean Water Act (CWA). The most prevalent of these features are the Salton Sea, Whitewater River, and San Geronio River; many ephemeral streams, dry desert washes, and irrigation ditches have also been considered as federally protected waters. The regulation of these features is the responsibility of the United States Army Corps of Engineers (USACE), as authorized under section 404 of the CWA, and the State of California Colorado River Basin Regional Water Quality Control Board (RWQCB), as authorized under section 401 of the CWA. Features that may not be considered Waters of the United States may nonetheless be deemed Waters of the State as described in California's Fish and Game Code, and are regulated by the California Department of Fish and Wildlife's (CDFW) lake and streambed alteration program.

Impacts to these aquatic resources are not covered by the permits for the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP), so project proponents anticipating disturbance to designated Waters of the United States or Waters of the State are obligated to coordinate with the relevant regulatory agency to determine any mitigation measures that may be required. Such measures may take the form of on-site restoration activities, off-site restoration activities, or the purchase of mitigation credits from a third party. Mitigation credits can be purchased from a for-profit mitigation bank, or an in-lieu fee (ILF) program sponsored by a public agency or non-profit organization. Purchasing mitigation credits transfers responsibility from the entity incurring the impacts to the mitigation bank or ILF program sponsor for implementation at an approved restoration site.

Program History

Recognizing the dearth of mitigation opportunities in the Coachella Valley, as well as seeking to promote restoration projects that complemented the conservation activities already underway by the CVMSHCP, the Coachella Valley Conservation Commission (CVCC) executed an In-Lieu Fee Enabling Instrument (EI) with the USACE and United States Environmental Protection Agency (EPA) in 2014. The EI established the primary and secondary service areas of the Coachella Valley ILF program (Figure 1) as well as authorized the sale by CVCC of up to fifty advance credits to CWA 401 and 404 permittees. Advance credits are credits that can be sold ahead of any restoration activities taking place, and are intended to establish seed funding for the development of future project sites.

CVCC has identified its acquisitions within the Coachella Valley Stormwater Channel and Delta Conservation Area (CVSWCD) as a promising location for potential project sites. These properties, and region generally, contain numerous former agricultural ponds and ponds developed by duck hunting clubs that can be restored to provide habitat for many species covered under the CVMSHCP, including black rail and Yuma clapper rail, Crissal thrasher and Le Conte's thrasher, and desert pupfish. The habitat created would prioritize the locally rare mesquite and wetland natural communities targeted for conservation by the CVMSHCP. However, it must be noted that any ILF project site is ultimately considered a USACE project, and because the USACE is not a permittee under the CVMSHCP, project sites will neither receive incidental take coverage from the CVMSHCP nor will any habitat gains be counted toward the CVMSHCP's conservation objectives. With this caveat in mind, CVCC is also exploring future project sites adjacent to, but outside, CVMSHCP-designated Conservation Areas that nonetheless contain degraded aquatic resources in need of restoration.

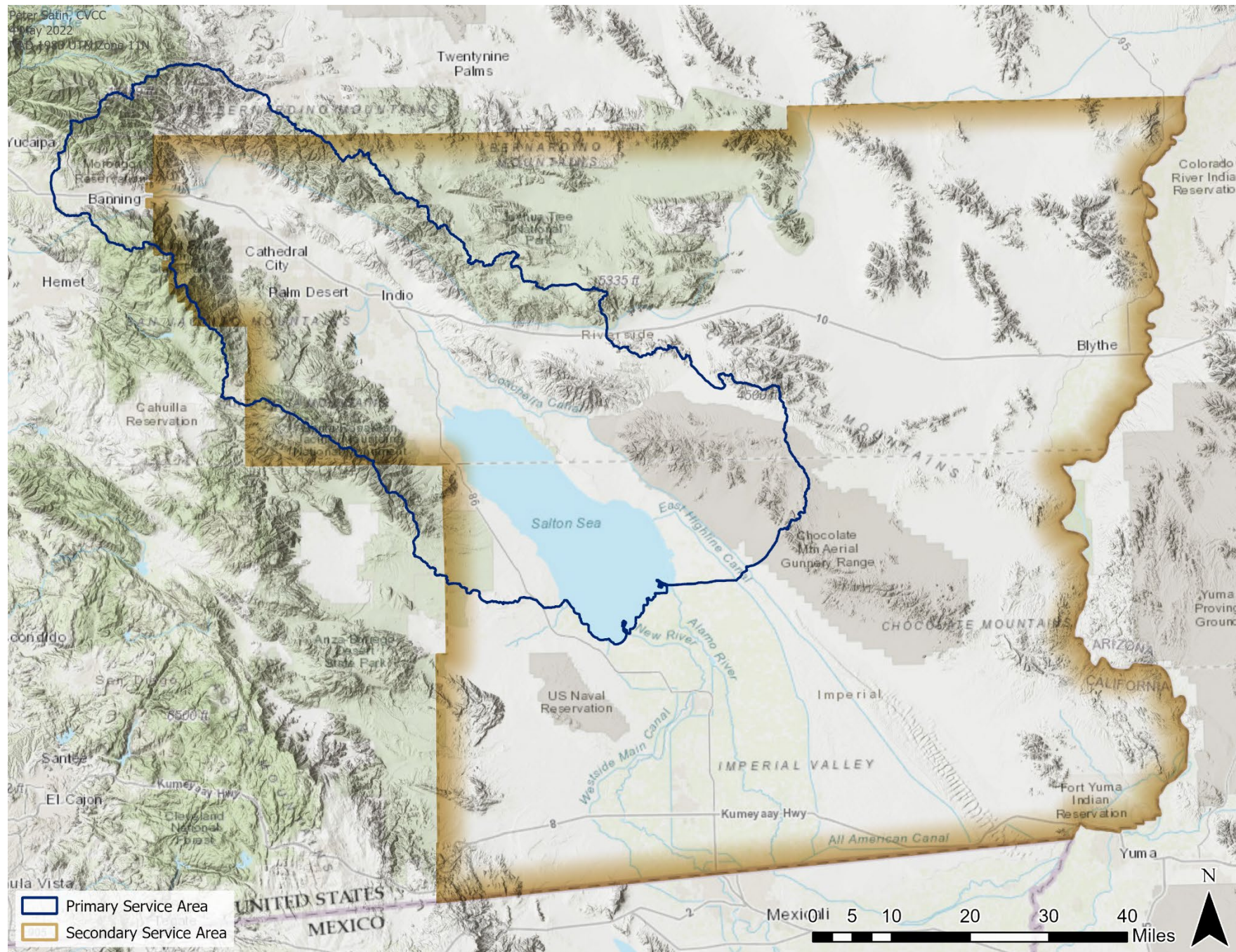


Figure 1: Coachella Valley In-Lieu Fee program service area. Primary service area includes all HUC 10 watersheds draining into the Coachella Valley and Salton Sea, while the secondary service area includes eastern Riverside County and all of Imperial County.

Previous ILF program annual reports, up through 2020, have been filed as part of the larger CVMSHCP annual report. While the goals of both programs are conceptually similar, the regulatory authorizations and performance measures are entirely separate, and are in fact mutually exclusive. CVCC has therefore decided to issue a standalone report for its ILF program moving forward.

CVCC, in conjunction with third-party consultants, is preparing a Development Plan for the new project site, referred to as the North Winds property, located in the CVSWCD (Figure 2). This Development Plan will include a project budget, Interim Management Plan, and Long-Term Management Plan. It will also identify the Performance Standards by which restoration progress will be measured and dictate the release of mitigation credits, as well as any Remedial Actions necessary should the site not be meeting its Performance Standards. The Development Plan is scheduled for submission to the IRT for review in mid-2022.

There are currently no active project sites requiring interim or long-term management.

CVCC has transferred 5.57 advance credits over the course of 2021 for a total of \$1,221,105 (Table 1). Caltrans has purchased the bulk of these credits; however, the City of Indio and renewable energy company Controlled Thermal Resources have also purchased credits. None of the impacts requiring mitigation have taken place within a CVMSHCP-designated Conservation Area. To date, CVCC has transferred 12.87 advance credits for a total of \$2,794,602 (Table 2).

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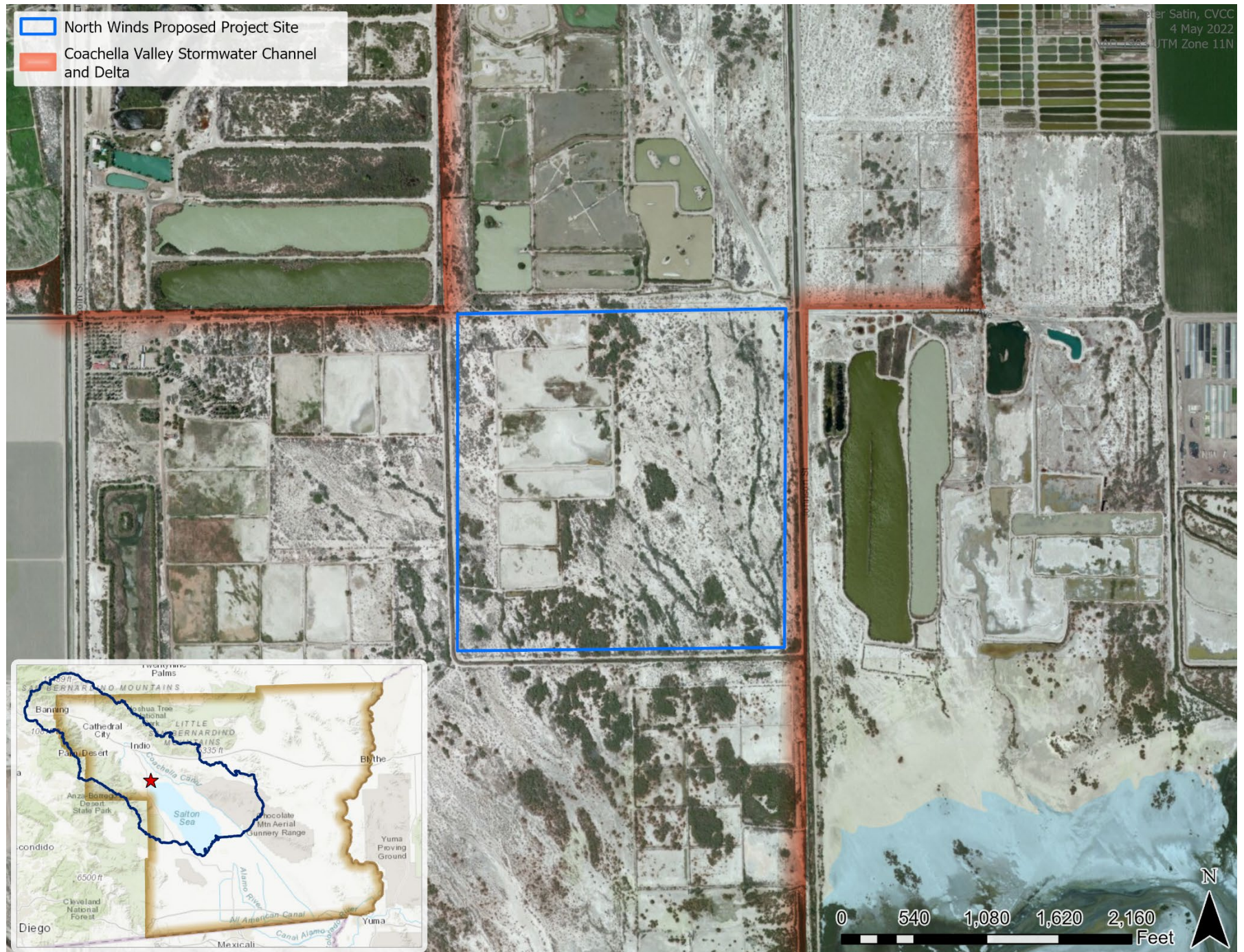


Figure 2: Proposed project site within the Coachella Valley Stormwater Channel and Delta Conservation Area.

Table 2: Complete credit ledger from program inception to date. Specific ILF project information will be entered once a project site is approved. Note that an additional 1.64 credits remain to be purchased by CV Link once the project is approved in remaining jurisdictions.

Date of Credit Transfer (YYYY-mm-dd)	USACE Permit / CDFW SAA / RWQCB WDID	Project Name	USACE Permit Date (dd/mm/yy)	10 Digit HUC of Impacts	Acres of Impact	Impact Latitude	Impact Longitude	Habitat and/or Species Impacted	CVMSHCP Conservation Area Impacted	Service Area of Impacts (Primary vs Secondary)	Total Credits or Advance Credits Transferred (Sum of Col. 13 thru 19)	Total Advance Credits Transferred	Reestablishment / Rehabilitation Credits	Enhancement Credits	Establishment Credits	Preservation Credits	Buffer Credits	10 digit HUC of ILF Project	CVMSHCP Conservation Area of ILF Project	ILF Project Lat	ILF Project Long	ILF Project Name	Agreed Sale Price of Transfer of Credits	Amount Received by CVCC for Transfer of Credits	Date Received (dd/mm/yy)
2016-05-31	SPL-2014-00114	Ramon Rd Bridge Widening (Palm Springs)	2015-10-06	1810020103	0.35	33.8159	-116.4783	Non-wetland	n/a	Primary	0.35	0.35	0.35	0.00	0.00	0.00	0.00						\$ 78,487.50	\$ 78,487.50	2016-02-25
2016-12-02	SPL-2014-00651	SR-78 Emergency Project (Caltrans)	2015-11-25	1810020304	0.013	33.1322	-116.3116	Non-wetland	n/a	Primary	0.18	0.18	0.00	0.18	0.00	0.00	0.00						\$ 33,741.00	\$ 33,741.00	2016-12-02
2017-09-05	Non-notifying NWP 14 / WDID 7A333166001	Grapefruit Boulevard/SR-111 & 4th St Pedestrian and Roadway Improvement (County)	n/a	1810020412	0.03	33.5715	-116.0789	Ephemeral stream	n/a	Primary	0.03	0.03	0.00	0.03	0.00	0.00	0.00						\$ 5,623.50	\$ 5,623.50	2017-08-10
2018-03-28	SPL-2017-00208	SCE West of Devers	2018-02-28	1810020101, 1810020103	0.81	multiple	multiple	Ephemeral and intermittent stream	UMCBMC, WWC, SCC, CAB	Primary	1.26	1.26	1.26	0.00	0.00	0.00	0.00						\$ 282,555.00	\$ 282,555.00	2018-03-28
2018-05-25	Non-notifying NWP 14 / WDID 7A333183001 / SAA 1600- 2017-0199-R6	1000 Palms Canyon Rd (County)	n/a	1810020106	0.128	33.8384	-116.3075	Non-wetland	TP	Primary	0.20	0.20	0.20	0.00	0.00	0.00	0.00						\$ 44,625.75	\$ 44,625.75	2018-05-25
2018-09-05	SPL-2017-00045 / WDID 7A333173001 / SAA 1600-2017-0040-R6	SR-111 Sediment Control Project (Caltrans)	2017-06-22	1810020412	0.166	33.4780	-115.8897	Non-wetland	n/a	Primary	0.50	0.50	0.00	0.50	0.00	0.00	0.00						\$ 93,350.10	\$ 93,350.10	2018-09-05
2019-10-21	SPL-2011-00973 / WDID 7A333122001 / SAA 1600-2016-0220-R6	Indio Boulevard Bridge Retrofit and Scour (Indio)	2018-02-02	1810020107	0.4	33.7352	-116.2448	Non-wetland	n/a	Primary	1.00	1.00	0.00	1.00	0.00	0.00	0.00						\$ 187,450.00	\$ 187,450.00	2019-03-19
2019-11-07	SPL-2016-00430 / WDID 7A333165001	CV Link (CVAG)	2019-12-03	1810020102, 1810020103, 1810020106, 1810020107, 1810020108	2.22	multiple	multiple	Non-wetland and wetland	n/a	Primary	2.80	2.80	2.80	0.00	0.00	0.00	0.00						\$ 1,166,282.85	\$ 627,900.00	2019-11-07
2020-05-19	SPL-2019-00247	Painted Hills Wind Energy Repowering Project (Terra-Gen)	2019-12-19	1810020103	0.225	33.9386	-116.6243		UMCBMC	Primary	0.36	0.36	0.36	0.00	0.00	0.00	0.00						\$ 80,730.00	\$ 80,730.00	2020-05-19
2020-06-15	SPL-2019-00528	Coachella Flats Wind Energy Project (Terra-Gen)	2020-05-21	1810020103	0.455	33.8955	-116.5686	Non-wetland	WWFP	Primary	0.62	0.62	0.62	0.00	0.00	0.00	0.00						\$ 139,035.00	\$ 139,035.00	2020-05-03
2021-02-04	SPL-2017-00136	Hell's Kitchen Geothermal Exploration Project (Controlled Thermal)	2020-01-09	1810020413	0.384	33.2274	-115.5795	Non-wetland	n/a	Primary	0.92	0.92	0.92	0.00	0.00	0.00	0.00						\$ 206,310.00	\$ 206,310.00	2021-02-01
2021-03-30	SPL-2011-00973 / SAA 1600- 2016-0220-R6	Indio Boulevard Bridge Retrofit and Scour (Indio)	2018-02-02	1810020107	see above	33.7352	-116.2448		n/a	Primary	0.76	0.76	0.00	0.76	0.00	0.00	0.00						\$ 142,462.00	\$ 142,462.00	2021-03-29
2021-05-26	WDID 7A333197001	I-10 Whitewater Bridge (Caltrans)	2019-07-26	1810020103	2.03	33.9229	-116.6361	Stream channel	n/a	Primary	2.03	2.03	2.03	0.00	0.00	0.00	0.00						\$ 455,227.50	\$ 455,227.50	2021-05-24
2021-09-22	SPL-2020-00071 / WDID 7B333024001	SR-95 Concrete and Culverts (Caltrans)	2020-02-27	1503010404	0.33	33.8983	-114.5305	Ephemeral streams	n/a	Secondary	0.99	0.99	0.99	0.00	0.00	0.00	0.00						\$ 222,007.50	\$ 222,007.50	2021-09-21
2021-09-22	SPL-2020-00100 / WDID 7B363047001	SR-62 Drainage and Erosion Repair (Caltrans)	2020-02-24	1503010403	0.29	34.1728	-114.3869	Ephemeral streams	n/a	n/a	0.87	0.87	0.87	0.00	0.00	0.00	0.00						\$ 195,097.50	\$ 195,097.50	2021-09-21
Total					5.181						12.867	12.87	10.40	2.47	0.00	0.00	0.00						\$ 3,332,985.20	\$ 2,794,602.35	

Program Account

As noted above, CVCC's ILF program generated \$1,221,105 in credit sales during calendar year 2021, with an additional \$131 in interest generated (Table 3). Restoration planning and design efforts have incurred \$32,057 in direct labor costs as staff has taken the necessary steps to submit the project. An additional \$1,244 have been paid toward accounting and banking services. Since an initial site has yet to be approved, no construction, monitoring, or maintenance expenditures have taken place.

Table 3: CVCC ILF program account for calendar year 2021.

Revenues		
Credit sales		\$1,221,104.50
Interest		\$130.57
	<i>Total revenues</i>	<i>\$1,221,235.07</i>
Expenditures		
Labor		(\$32,056.64)
Banking services		(\$1,243.54)
	<i>Total expenditures</i>	<i>(\$33,300.18)</i>
	Total	\$1,187,934.89

In-Lieu Fee Program for Clean Water Act Permits

The Coachella Valley Conservation Commission is the Program Sponsor for an In-Lieu Fee Program (ILFP) that allows organizations that need to mitigate for unavoidable Impacts to Waters of the U.S. that result from activities authorized under section 404 of the Clean Water Act (CWA) and section 401 of the CWA water quality certifications to do so by paying a fee to CVCC. Approval from the Army Corps of Engineers is necessary to purchase credit. The current costs of credits are below:

<u>Type of Credit</u>	<u>Cost per acre</u>
Restoration/Rehabilitation Credits	\$224,250
Enhancement Credits	\$187,450
Buffer Credits	\$144,900

For further information on the ILFP, contact CVCC staff at 760-346-1127 or cvag@cvag.org