

**West Mojave Plan
Task Groups 3 and 4
Green Tree Inn, Victorville
May 20, 2002**

Attendees

Name	Representing	Name	Representing
Ileene Anderson	CNPS	Peter Kiriakos	Sierra Club
Chuck Bell	Mojave Desert RCD	Charles LaBar	SNEI
Ray Bransfield	USFWS	David Matthews	Public
Marie Brashear	ALA, CDC, SPCW	Doug Parham	WSBCLA
David Charlton	CHARIS	Alan Pickard	CDFG
Mike Connor	Tortoise groups	Tim Read	BLM - Barstow
TomDailor	LADWP	Randy Scott	SB Co. - Planning
Clarence Everly	DOD	Courtney Smith	Inyo County
Jeri Ferguson	Cal 4-Wheel Drive	Debbie Stevens	AVTREC
Ken Foster	Public Lands/Use	Barbara Veale	People for USA
Pat Hanagan	Cal Wilderness Coal	Chuck Williams	SB County
Jeanette Hayhurst	City of Barstow	Melinda Winney	SNEI
Becky Jones	CDFG	Darrell Wong	CDFG

West Mojave Team: Bill Haigh, Larry LaPre, Ed LaRue, Valery Pilmer.

Introduction

Bill Haigh opened the meeting and introductions were made.

Valery Pilmer reviewed the handouts provided and explained the proposed West Mojave Plan Implementation Structure. She explained that the signatories to the Implementation Agreement would establish an Implementing Authority, either by entering into a joint powers agreement (JPA) or interagency agreement (MOU). A Governing Board would be established to make key decisions regarding plan implementation such as budget, annual plans, fund management, review and comment on budget and work plans of participating land management agencies, prioritization of land acquisition, review of monitoring reports and adaptive management strategies.

An Implementation Team would be established, and would include a Plan Administrator, a US Fish and Wildlife Service representative, a California Department of Fish and Game representative and other support staff as deemed necessary by the Governing Board. The team would be co-located at a site in the West Mojave to facilitate communication and to provide a single location for public contact on Plan issues. The Plan Administrator would be appointed by the Governing

Board and could be an employee of the JPA or an employee of one of the member agencies. Wildlife agency staff would not be involved in the administrative aspects of implementation, but rather would be co-located with other Implementation Team staff to facilitate communication, coordination, and public contact.

Two committees would be established to advise the Implementation Team and Implementing Authority. A Stakeholders Advisory Committee would be composed of representatives of stakeholder groups within the plan area. A Scientific Advisory Committee would include representatives of the wildlife agencies, academic community, BLM biologist, and a biologist experienced in performing surveys for public agencies or project applicants.

The following issues were discussed:

- Jeanette indicated a preference for the JPA alternative and indicated that there might be a place for a 501(c)(3) component as well. She stated that the Scientific Advisory Committee needs to be a strong advisor and that stakeholders either need a vote on the Implementing Authority or be able to provide strong input to the governing board. Valery Pilmer indicated that JPA enabling legislation allows only elected officials to sit on the governing board, but also allows the board to delegate considerable authority to committees. Pilmer also noted that large JPA boards sometimes have difficulty achieving the quorum required to conduct business.
- Randy Scott agreed with the participatory framework; however, he favors the use of an MOU to establish the Implementing Authority over the use of a JPA. He feels the MOU offers greater flexibility. He also supports having advisory committees.
- Alan Pickard noted that the Implementing Agreement will pin the responsibilities down and will be the controlling document. Randy Scott stressed the need to define the rules of government up front.
- Peter Kiriakos indicated that the staff positions need to be more fully defined, and that “part-time” BLM staff won’t be sufficient. He wants to see full time staff assigned. Bill Haigh indicated that FWS and CDFG staff will contribute to permit compliance, and the BLM field office staff will also work on the plan. Pilmer added that the BLM field office staff would be performing the actual implementation of Section 7 conditions on the public lands.
- Marie Brashear indicated that the BLM must be part of the implementing group, and that BLM staff needs to be focused on West Mojave Plan implementation.
- Tim Read noted that the BLM budget is congressionally determined, and that he cannot delegate implementation authority. He indicated that the HCP portion of the plan is a local government issue. Valery Pilmer noted that the Clark County HCP wrestled with

this issue, since that plan also relies on management occurring on public lands to maintain Section 10(a) permits for the local governments. In that case language was added to the plan stating that the BLM will present its budget and work plan for the upcoming year for review and comment by the governing board for the Clark County HCP. This is done for communication and coordination purposes, and not to assert authority over the BLM budget and programming process. The process allows for the jurisdictions to provide comment and input regarding the BLM budget and priorities. Tim Read indicated he had no problem with this type of approach.

- Chuck Bell noted that it may be too expensive for the Implementing Authority to hire a number of people, and that it may be better to borrow staff from the participating agencies.
- Dave Matthews stated that he favors an MOU over a JPA since a JPA would add another layer of government.
- Ilene Anderson asked how management plans are being prepared. Alan Pickard indicated that the various land managers would manage their responsible lands.
- Pete Kiriakos indicated that a single information gathering point is needed for the plan, and that fully dedicated scientists and staff must focus on the plan. He believed tracking (disturbance, etc.) needs to be coordinated and centralized to be effective.
- Marie Brashear indicated that the Implementation Agreement (IA) is a very important document, and wants to ensure that the public has an opportunity to review on comment on it. Bill Haigh indicated that the IA would be attached to the HCP.
- Jeri Ferguson indicated that where the plan deals with public land issues, public input needs to be provided on BLM management issues.
- Jeanette Hayhurst identified a need for a mechanism to coordinate dollars coming from other agencies. A mechanism is also needed to ensure that services are not duplicated.
- Chuck LaBar discussed Clark County's "Shark Fest" where a two-year budget is declared and proposals are submitted to the HCP committee for review and approval.
- Randy Scott indicated agreement with the need for dedicated administrative staff, but that the need for this needs to be balanced against the cost.
- Peter Kiriakos said that the West Mojave Plan must be based on biology. He also recommended looking at the Lone Pine Cooperative Visitor Center as a model. He indicated that it is important to bring people together in a single office, and feels that participating agencies could assign staff to perform this function. Tim Read indicated that

a “project manager” could be assigned by the BLM to ensure BLM implementation of the plan.

- Mike Connor stated that monitoring needs to play a key role, and asked who will perform this function. Randy Scott agreed that more emphasis needs to be placed on monitoring, and indicated that the Scientific Committee could play a role in this, or a contract biologist. Alan Pickard noted that the permittees will need to fund monitoring and other aspects of the plan, and added that CDFG staff will be available to assist, but not to do monitoring.
- In regards to funding implementation of the plan, Ed LaRue noted that Caltrans could provide highway fencing and perhaps other mitigation. Also, utilities could help for raven management.
- Peter Kiriakos indicated that the ability to fund the plan is key. He noted that if the Plan is included in the State’s NCCP program, that state funding for implementation might be possible. He emphasized that sufficient staffing for long-term management is critical.
- Marie Brashear asked where the plan discusses what is not covered. She requested clarification on whether very large projects (i.e., larger than 100 acres) would be covered by the plan. Alan Pickard agreed that the plan must be clear as to what is covered and what is not.
- Ed LaRue indicated that milestones must be specified on actions outlined in the plan (i.e., x number of routes to be physically closed in 1, 5, 10 years).
- Alan Pickard noted that the annual report for the plan would compare disturbance with the amount of conservation achieved. Rough proportionality must be maintained between the two. Jeanette Hayhurst noted that mitigation could get ahead of development. She also said there must be provisions for renewal of the permits. Pickard noted that the permit is for 30 years, but the conservation (i.e., reserves) is forever.
- Debbie Stevens asked how the public in general would be able to monitor plan implementation. Will annual reports be made available to the public on a website?
- Mike Connor asked whether the structure of the plan (JPA, MOU) affects the ability to respond quickly to a change in circumstances (e.g., new listings). Jeanette Hayhurst responded that the amendment process outlined in the plan is more important than the administrative structure. Alan Pickard added that if a new species is listed, it would not be easy to put into the permit. New mitigation will be necessary, requiring a major amendment to the plan. Jeri Ferguson noted that the BLM would be conserving non-covered species on public lands.

- Peter Kiriakos suggested using and improving upon San Diego's HABITRACK system.

Lunch

The group reconvened at 1:20 PM. Valery Pilmer referred the group to the handout entitled "West Mojave Plan - Implementation Issues." The following issues were discussed:

- Marie Brashear questioned how funding will be allocated. She noted that criteria are needed to guide and prioritize mitigation efforts.
- Mike Connor noted that the monkeyflower strategy must be added to the discussion. He asked what the fee would be. Bill Haigh responded that the BLM has hired an economist to help determine the appropriate fee.
- Alan Pickard asked how conservation in perpetuity could be guaranteed without an endowment component to the fee. Haigh responded that part of the overall funds collected could be set aside for endowment. Pickard noted that the traditional way to calculate this is that a certain dollar amount per acre goes to endowment. Randy Scott asked whether endowment would be needed for management of public lands. Marie Brashear questioned whether BLM lands can be restricted for conservation purposes and suggested that the funds go to CDFG or USFWS instead. Ray Bransfield noted that federal lands would be managed according to the implementation agreement.
- Darryl Wong asked what assumptions the economist will draw on (i.e., # of covered species, # of participating jurisdictions).
- Doug Parham suggested exempting single-family residences in the HCA.
- Mike Connor expressed concern that agriculture is not being addressed by the plan. He indicated that there are indirect impacts from agriculture such as biosolids, pesticides and dust. He asked who would track disturbance by non-covered activities. It was noted that the plan must clarify that agriculture is not merely "exempt" from fees, but rather is not covered by the plan. Also need to clarify that conversion of agriculture to another use that requires building permits will require payment of fees.
- Courtney Smith indicated that the language should consider exemptions for certain discretionary projects that considered categorical exemptions under CEQA (i.e., lot line adjustments, lot mergers). He also recommended changing reference to "other areas" on the fee exemption chart to "ITA Areas."
- Dave Matthews recommended clarifying how expansions of existing uses will be handled in the HCA.

- Debbie Stevens asked that property owners be individually notified of the proposed fees.
- Chuck Bell expressed indicated that grubbing and grading could create erosion control and dust problems.
- Alan Pickard said that indirect effects such as noise, lights and stray animals must be considered when dealing with fees for partial lot development. Ieene Anderson agreed. Pickard asked whether it would be appropriate to consider a fenced area plus a certain percentage. Randy Scott indicated that the ratios imposed reflect the impact of indirect effects. Chuck Bell added that a fence alone may not be sufficient for subsequent ownership, and suggested the use of conservation easements as a way to address. Pete Kiriakos added that conservation easements might be more appropriate than fees in the conservation areas.
- Ed LaRue noted that the “no survey” map should not be used by cities that do not participate in the plan.
- Mike Connor objected to the concept of using Fort Irwin mitigation funds to implement the plan since this is required to mitigate Fort Irwin impacts.
- Tim Read asked whether fees from projects on public lands would be held separately from fees from private land development. Chuck LaBar indicated that in Clark County Section 7 mitigation fees are held separately from Section 10 fees. Concern was expressed that the fees on public lands not be mingled with general BLM funding.
- Alan Pickard asked whether pipeline projects that cross non-BLM lands would be covered by the plan.
- Pete Kiriakos stated that acquisition priorities must be established. Marie Brashear noted that the Implementing Committee would make the priority decisions with guidance from the Scientific Advisory Committee and Stakeholder’s committee.
- Mike Connor asked how the plan would demonstrate adequate funding. Chuck Bell suggested considering the Public Land Management Act, which uses dollars from BLM disposal land in the ITA as a possible source. Bell noted that Clark County had used this approach. Peter Kiriakos suggested looking at the Transportation Efficiency Act.
- Alan Pickard suggested that an amendment to the HCP might also require an amendment to the take permit. CEQA process needs consideration as well as a definition of minor versus major amendments. Consider how to treat amendments to the plan due to adaptive management, including minor HCA adjustments. Pete Kiriakos noted he wants to see scientific review of amendments, and perhaps stakeholders group as well. Others also requested public and stakeholder review of amendments. Pickard indicated that the

implementing agreement should also have a section on major and minor amendments and process. He noted that frequent changes are not desirable since they will affect the permits.

- Chuck Bell noted that an individual could opt to consult separately with USFWS and CDFG. Alan Pickard indicated concern about individuals choosing separate consultation, noting that opt out provisions could jeopardize the whole plan. Bill Haigh noted that opting out has always been considered an option for individuals. Ilene Anderson asked whether signatories would be allowed to opt-in or opt-out of species. Alan Pickard responded that CDFG is leaning towards a single permit, and this would not be possible in that circumstance.
- Peter Kiriakos indicated that GPAs and zone changes should not be exempted from fee payment. Randy Scott indicated that zone changes and general plan amendments don't result in ground disturbance and therefore there is no nexus. Kiriakos indicated that there should be some control on general plan amendments.
- Dave Matthews asked how the education component would be implemented. He indicated that the advisory committees should have an opportunity to review education materials.

The meeting adjourned at 4:10 PM.