

DESERT AND MOUNTAIN CONSERVATION AUTHORITY

MEMORANDUM

TO: The Governing Board

FROM:  Joseph T. Edmiston, FAICP, Hon. ASLA, Executive Officer

DATE: September 8, 2010

SUBJECT: **Agenda Item VI: Consideration of resolution authorizing entering into an agreement, and to implement said agreement, with AV Solar Ranch 1, LLC to: 1) accept mitigation lands required by Los Angeles County approvals of the AV Solar Ranch 1 Projects; and 2) accept funds for project administration, property maintenance, and restoration, incorporated and unincorporated Antelope Valley.**

Staff Recommendation: That the Governing Board adopt the attached resolution authorizing entering into an agreement, and to implement said agreement, with AV Solar Ranch 1, LLC to: 1) accept mitigation lands required by Los Angeles County approvals of the AV Solar Ranch 1 Projects; and 2) accept funds for project administration, property maintenance, and restoration in both the incorporated and unincorporated areas of the Antelope Valley watershed.

Background: At its July 7, 2010 meeting the Governing Board gave instructions to staff regarding negotiations with First Solar (AV Solar Ranch 1) (formerly NextLight) to receive mitigation lands associated with their project that is pending with Los Angeles County. Staff has agreed to bring a compromise proposal back to the Governing Board for consideration. This draft agreement will be presented in closed session. In short the draft agreement completely simplifies the timing for land transfer and restoration obligations. In addition it maximizes consistency with draft County conditions and the Draft Final Environmental Report mitigation measures. However, the agreement also calls for fee simple land protection not just conservation easements.

The Regional Planning Commission held one hearing on the project this summer and a potential final public hearing is scheduled for September 15, 2010.

The Draft FEIR conditions require the applicant to acquire a minimum of 450 acres of off-site mitigation lands to be restored, enhanced, and maintained according to specific requirements. The land shall not exceed 10 separate fragments and at least 225 acres shall be acquired in the Vicinity of the Antelope Valley Poppy Preserve, including lands in or adjacent to SEA 57, or lands connecting the Poppy Preserve to the Angeles National Forest. An additional 75 acres shall be acquired within the same area, or in or adjacent to SEA 60, or adjacent to the Arthur B. Ripley Woodland State Park. There are many other listed requirements for the attributes of the land and how it must be restored and maintained at specific levels (see attached Mitigation Measures from FEIR). The Draft FEIR mitigation conditions call for this restoration and maintenance to be funded up front by the applicant.

The current draft DMCA agreement includes an annual maintenance payment for basic open space management including signage, trash pick up, and (to be contracted for) ranger patrol by the Mountains Recreation and Conservation Authority (MRCA) and a small initial restoration payment to address the most egregious disturbance areas on the future public fee simple open space.

The price and terms of the draft agreement can be discussed in closed session.