

## Attachment DR10-9

### Meeting Minutes

Date: September 15, 2006

Subject: Victorville 2 Hybrid Power Plant Agency Meeting

Attendees: Michael Haynie, Deputy Regional Manager, CDFG  
Denyse Racine, CDFG  
Tonya Moore, CDFG  
Tom Barnett, Inland Energy  
Tony Penna, Inland Energy  
Kim McCormick, Attorney for Inland Energy  
Tom Egan, AMEC

Tom Barnett presented a Project Overview of the Victorville 2 Hybrid Power Plant Project. Tom Egan presented an overview of the biological issues associated with the Project. Kim McCormick explained that the purpose of the meeting was to discuss the manner in which CDFG would analyze and determine the mitigation and compensation requirements for the Project with respect to desert tortoise and Mohave ground squirrel, both protected species under the California Endangered Species Act (CESA).

Michael Haynie explained that CDFG had no desire to interfere with the Project but that CESA required that CDFG ensure that impacts to desert tortoise and MGS are fully mitigated. Kim explained the Project's view that under existing CDFG policy, including the 1992 Statewide Policy, impacts to the Project site, which is designated as Category III habitat, are to be mitigated using a 1:1 compensation ratio. A discussion ensued regarding CDFG policy. Denyse stated that CDFG determines mitigation and compensation ratios on a project-by-project basis; that mitigation must be proportional to impacts; that the addition of "fully mitigated" language to CESA in 1997 changed CDFG policy; and that CDFG no longer uses the 1992 Statewide Policy.

Tonya and Denyse explained that the following factors are used by CDFG in determining compensation ratios for desert tortoise and for MGS: (1) presence of the species; (2) habitat quality; (3) disturbance level of habitat; (4) adjacent land uses; (5) connectivity; and (6) projected growth. Tonya then stated that based on these factors, she felt that a compensation ratio of 1.5:1 for desert tortoise and 3:1 for MGS was appropriate for the Project. A discussion ensued regarding pending proposals for development of the lands around the Project site, and whether it was appropriate to study the site and apply the factors assuming that the land around the site would remain vacant.

Michael Haynie explained that CDFG project managers use input from field biologists, apply the factors cited above, take into account habitat quality and disturbance on adjacent lands, but do not consider future development. He also stated that there is no desert tortoise management policy followed by CDFG.

Tony Penna suggested that a second meeting to discuss proposed future use of the lands adjacent to and in the vicinity of the Project might be helpful to more fully understand the level of impact to desert tortoise and MGS posed by the Project. Mr. Haynie stated that the value of such a meeting would depend on what additional information would be given to CDFG. Tonya Moore then stated that she was not inclined to change her mind about the proposed compensation ratios regardless of additional information because she was only required to look at the site in its current state, based on what she had observed at the site. Denyse Racine stated, however, that photos depicting the level of disturbance at the Project site would be helpful.

The group then discussed next steps, and what additional information may be useful to CDFG in continuing its consideration of compensation ratios. Tonya Moore suggested that the Project provide her with letters for other projects being processed in the City of Victorville, and their compensation ratios, including those projects referenced in the White Paper.

Tom Barnett and Tony Penna agreed to provide to Tonya additional information regarding projects being built in the vicinity of the Project site, and Tonya agreed to forward that information on to Michael and Denyse. Tom Barnett and Tony also agreed to prepare a list of additional mitigation actions that might be taken to reduce the impacts to desert tortoise and MGS and therefore the amount of compensation that might be necessary.

The meeting adjourned at 2 p.m.