

Land-use plan deadline passes

EXTENSION: But a panel will consider giving Desert Hot Springs and Indio more time to OK the proposal.

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The Press-Enterprise

A deadline for cities to approve a controversial plan that aims to streamline development while protecting desert wildlife could be extended to give the two cities that have not yet joined time to reconsider.

The Coachella Valley Association of Governments had set June 1 as the deadline for nine desert cities, Riverside County and an assortment of other agencies to approve the Coachella Valley Multiple Species Habitat Conservation Plan.

But the deadline passed without approval from Desert Hot Springs and Indio. On Monday, CVAG's executive committee will consider extending the deadline to June 15.

But with environmental groups already rattling their sabers about additional endangered species-related challenges if the conservation plan is not approved, and a state deadline of June 30 for plan approval looming, plan proponents say time is running out.

Indio Mayor Gene Gilbert said his city is closer to approving the plan than it was a month ago.

"I'm optimistic we can come to a conclusion between now and the end of June," he said.

Under the proposed plan, developers would pay a fee that would allow them to build without costly environmental review. Money from those fees and other sources would go to acquire private land for conservation from people willing to sell.

To protect 27 species, some of which already have federal protection because they are threatened or endangered, almost 750,000 acres of land would be preserved.

About 70 percent of that land is already under public and nonprofit control.

All of the government agencies including Desert Hot Springs and Indio must approve the plan for it to go into effect.

But Desert Hot Springs is still a long way from signing off on the plan, Councilman Hank Hohenstein said.

"Another 15 days won't do any good," Hohenstein said.

He said CVAG should take significantly more time in order to add flood-control projects to the plan to protect portions of Desert Hot

Springs from Mission and Morongo creeks.

Hohenstein said he also opposes the current version of the plan because it hurts small property owners in Desert Hot Springs.

One of those landowners is Mark Schultz. The 53-year-old loan officer who splits his time between homes in the desert and Carlsbad said the plan threatens the value of land he bought decades ago to help fund his retirement and ensure his children's future.

Despite assurances that under the plan his land, which falls in the conservation areas outlined in the plan, will be appraised at fair market value and then purchased for that amount, Schultz said he doesn't believe a government agency will pay him a fair price.

Schultz said Desert Hot Springs and Indio are his last hope that the plan will fail.

But Fred Bell, the executive director of the Building Industry Association's desert chapter, said small landowners are under the mistaken impression that things will remain the same as they are now if the plan is not approved.

Set to expire June 30 is the state's endorsement of a federal permit that allows developers to pay a fee for building in the desert sand that is the habitat of the Coachella Valley fringe-toed lizard to avoid complicated environmental review.

Without the state's endorsement, the federal permit is vulnerable to challenges by environmental groups.

Developers might have to get approval from government wildlife agencies for each project, a process that would be costly and that could take years to complete.

Without the certainty provided by the plan, Bell said open desert land also wouldn't be worth as much because developers won't be as willing to invest in something that was not a sure thing.

Bell said under the plan, local government will be in control of the process.

Without the plan, control of development and endangered species issues will be ceded to federal and state wildlife agencies as well as the courts.

He said environmental groups are already lining up to challenge projects and pursue Endangered Species Act protection for additional plants and animals should the plan fail.

Last month, the Center for Biological Diversity sent a letter to the U.S. Fish and Wildlife Service expressing concern that the current system was not adequately protecting the fringe-toed lizard.

Daniel Patterson, ecologist and deserts program director with the Center for Biological Diversity, said approval of the multiple species habitat

conservation plan would allay some of those concerns.

Patterson said environmental groups have made uncomfortable compromises to get to this point: "But the plan is a better alternative than doing nothing," he said.

He said environmental groups would probably pursue federal protection for additional plants and animals that are not currently listed if the plan is not approved by Desert Hot Springs.

"Just because they don't sign onto the plan doesn't mean they don't have to deal with endangered species," Patterson said.

Riverside County Supervisor Marion Ashley, who heads CVAG and the Riverside County Flood Control District, said Desert Hot Springs will get the flood control it needs whether or not it approves the plan.

But roads and other infrastructure could be delayed.

Ashley said a different version of the plan would be prepared and recirculated for public comment and approval if Desert Hot Springs opts out.

"Some people have the impression if Desert Hot Springs doesn't join the plan, the plan is dead," he said. "That's not true. It will just take a little more time."

That said, Marion added that he hopes that officials in Desert Hot Springs don't reject the plan.

"I think it would be a mistake of epic proportions, the biggest mistake in the city's history -- and they've made some mistakes," he said.