

*Regional Conservation Authority*

**CRITERIA REFINEMENT CLARIFICATION POLICY**

**Staff Contact:**

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**Background:**

Section 6.5 of the Western Riverside County MSHCP contains a process to refine the Criteria Cells in limited situations. This policy further clarifies that criteria refinement policy in the event that the RCA, as compared to the Cities or the County, processes criteria refinements. This policy sets forth the precise procedure for the RCA and other entities to follow in that instance.

**Staff Recommendation:**

That the Administrative Committee:

1. Approve the Criteria Refinement Clarification Policy; and
2. Forward this item to the RCA Board of Directors on July 24, 2006 for final approval.

FINANCIAL INFORMATION	
In Fiscal Year _____ Budget: Yes <input type="checkbox"/> No <input type="checkbox"/>	Cost: \$ N/A Annual Cost: \$ N/A
Source of Funds:  N/A	Budget Adjustment: No From To
Approved by:	Date:

**Attachment:**

Criteria Refinement Clarification Policy

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**CRITERIA REFINEMENT CLARIFICATION POLICY**

**Article I. Criteria Refinement Clarification Policy**

**Section 1.01** Cell Criteria are intended to be flexible; however, there will be instances where refinements to the Criteria are desirable to facilitate Reserve Assembly. The Criteria Refinement Process contained in Section 6.5 of the Plan shall apply. This policy is intended to clarify the procedure set forth in the Plan.

**Section 1.02** Permittees are authorized under the Plan to propose a refinement of the Cell criteria pursuant to Section 6.5. Permittees may process a Criteria Refinement directly or may request that the RCA undertake the process.

**Section 1.03** A request for the RCA to undertake a criteria refinement must be approved by the RCA Board.

**Section 1.04** When the RCA agrees to carry out a criteria refinement, the cost shall be borne by the requesting Permittee, unless the RCA Board makes one of the following findings:

- (a) The criteria refinement will affect other areas of the Plan outside the jurisdiction of the Sponsoring Permittee through the acquisition of replacement conservation land.
- (b) The Criteria Refinement will likely result in significant long-term reduction in land acquisition costs.

**Section 1.05** If a Criteria Refinement is proposed as a result of a particular project, the Local Permittee's HANs or equivalent process and the JPR process must be completed, in most instances, prior to the RCA beginning the Criteria Refinement.

**Section 1.06** The term "affected party" in Section 6.5 of the Plan means the Requesting Permittee, other affected Permittee(s), the Wildlife Agencies, property owners that own property in the Cells where the Criteria are proposed for change, and any person or organization that has requested a copy of the report.

**Section 1.07** The following procedures shall apply to all Criteria Refinements processed by the RCA:

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- (a) Upon completion of the biological evaluation and equivalency analysis, the RCA shall prepare and distribute a report of its findings to the affected parties.
- (b) The RCA will provide the affected parties 60 calendar days to review the report. However, the 60-day review period may be waived if the RCA, affected parties are in agreement regarding the Criteria Refinement.
- (c) Within 30 calendar days of the close of the 60-day review period, the RCA shall hold a meeting with the Permittee(s) and the Wildlife Agencies to discuss the report, consider conservation alternatives, and attempt to resolve any outstanding issues. This meeting may be omitted if the parties are in agreement.
- (d) The RCA Board shall conduct a public hearing on the proposed Criteria Refinement within 30 calendar days of the meeting referenced above. The affected parties shall be notified in writing of the date, time and place of the hearing.
- (e) The RCA Board does not approve or deny a Criteria Refinement; however, prior to transmitting the report to the affected Permittee(s), Board shall certify to the following:
  - i) The Criteria Refinement report adequately and objectively addresses the biological issues associated with the refinement.
  - ii) The equivalency analysis adequately and objectively evaluates prospective replacement conservation land.
  - iii) The report is prepared in conformance with the Plan.
  - iv) The modifications to the criteria do not rise to the level of an amendment to the Plan and do not reduce the Criteria Area.
  - v) The prospective replacement conservation land is biologically equivalent or superior to the land being removed from conservation.
  - vi) The Criteria Refinement results in equivalent or greater conservation value and acreage within the Conservation Area.
  - vii) The replacement land has been secured for permanent conservation, such as through an option agreement, escrow instructions, or acquisition in fee.

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- (f) The RCA Board action and the report shall be transmitted to the affected Permittee. The RCA Board is not the final decision making body for the Criteria Refinement.

**Section 1.08** The RCA shall notify the Wildlife Agencies of all Criteria Refinement proposals in the annual report.