

*Regional Conservation Authority***MEMORANDUM OF UNDERSTANDING
BETWEEN THE BUREAU OF LAND MANAGEMENT AND THE
WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION
AUTHORITY FOR PARTICIPATION IN THE SOUTH COAST
RESOURCE MANAGEMENT PLAN REVISION****Staff Contact:****Ken Graff, Director of Land
Acquisition and Prop. Mgt.
(951) 955-8805****Background:**

Since completion of the Bureau of Land Management South Coast Resource Management Plan (RMP) in 1994, new circumstances have prompted the need for revision to the Plan. Since the RMP includes federally managed BLM properties that are counted toward reserve assembly in the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), the RCA is a stakeholder in the RMP and has requested that it formally be able to directly participate in the revision process. At the request of the RCA, the BLM has provided a MOU for the RCA to participate in the RMP process. Participation and the role of the RCA representative are described in Section D.2 of the MOU, which is attached with this staff report. The Executive Director, or his designee, will participate in RMP discussions providing active RCA participation in the revision process. It is not anticipated that there will be any cost to the RCA for participation in this process, as these activities are administrative in nature and within the normal course of Management and Monitoring Department staff activities.

Executive Committee and Staff Recommendations:

That the RCA Board of Directors:

- 1) Approve the MOU between the RCA and BLM for RCA participation in the RMP revision process; and
- 2) Authorize the Chairman, pursuant to Legal Counsel review, to execute the MOU on behalf of the Authority.

Attachment:

Memorandum of Understanding between the Bureau of Land Management and the Western Riverside County Regional Conservation Authority for Participation in the South Coast Resource Management Plan Revision

AGENDA ITEM NO. 7.5

ATTACHMENT 1

Memorandum of Understanding Between the BLM and RCA For Participation in the South Coast Resource Management Plan Revision

**RCA AGREEMENT NO. 09002
BLM MOU No. CA-660-08-_____**

**MEMORANDUM OF UNDERSTANDING
BETWEEN
WESTERN RIVERSIDE COUNTY
REGIONAL CONSERVATION AUTHORITY
AND
BUREAU OF LAND MANAGEMENT
UNITED STATES DEPARTMENT OF THE INTERIOR
REGARDING
THE SOUTH COAST
RESOURCE MANAGEMENT PLAN REVISION**

A. PARTIES AND PURPOSE

This Memorandum of Understanding (MOU) is entered into by and between the **Western Riverside County Regional Conservation Authority** (hereinafter referred to as the "RCA") and the United States Department of the Interior **Bureau of Land Management** (hereinafter referred to as the "BLM") to maximize coordination and achieve consistency where practical in the development of a revision for the South Coast Resource Management Plan (RMP) that includes public lands in portions of five Southern California counties.

B. INTRODUCTION AND BACKGROUND

1. Resource Management Plan Revision

The Bureau of Land Management (BLM) proposes to revise the South Coast Resource Management Plan (RMP) which provides guidance for the management of approximately 300,000 acres of BLM administered public lands in Southern California. The planning area encompass over 300 parcels of public land totaling 130,000 acres and an additional 167,000 acres of non-federal surface with federal mineral estate scattered throughout Los Angeles, Orange, southwestern San Bernardino, western Riverside, and western San Diego Counties. To facilitate planning and subsequent management, the South Coast Planning Area is divided into four management areas: 1) the San Diego County Management Area, 2) the Riverside-San Bernardino County Management Area, 3) the Beauty Mountain Management Area, and 4) the Los Angeles-Orange County Management Area. The boundaries of the South Coast Resource Area have not changed since the original RMP was completed in 1994 and the planning area will remain the same for this proposed plan revision.

Since completion of the South Coast RMP in 1994, new circumstances have prompted the need for a revision to the plan. These circumstances include

continued and accelerating population growth and urban development in Southern California, the creation of multi-jurisdictional habitat conservation plans in San Diego and Riverside Counties, designation of the Otoy Mountain Wilderness, land acquisitions to support habitat conservation by the BLM and other agencies, and the changing needs and interests of the public. Important actions required under BLM policy and planning requirements include land use allocations and designations of areas requiring special management. Examples of these allocations and designations would be Areas of Critical Environmental Concern (ACEC), Special Recreation Management Areas, Off Highway Vehicle (OHV) management areas, utility corridors, grazing allotments, wildlife management areas, and land disposal categories.

The BLM must consider a wide range of alternatives in the development of the RMP revision and must comply with the provisions of the National Environmental Policy Act (NEPA) and the Federal Land Policy and Management Act of 1976 (FLPMA), and all amendatory acts and implementing regulations in the development of the RMP and the environmental impact statement (EIS) .

2. Western Riverside County Regional Conservation Authority

The Western Riverside County Regional Conservation Authority (RCA) was created as a public agency to acquire, administer, operate, and maintain land and facilities to establish habitat reserves for the conservation and protection of species covered by the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) and to implement the MSHCP. This MSHCP is one of the most complex habitat conservation plans ever attempted. It preserves and protects 146 species by acquiring lands for a habitat reserve system. The permit for the MSHCP has a life of 75 years and guides future growth within the County of Riverside and provides open space for habitat and recreation. The MSHCP encompasses over 100 parcels of BLM administered public lands of approximately 40,000 acres, and an additional 35,000 acres of BLM split estate lands with federal minerals. Cooperative management of these BLM administered public lands and minerals is essential to the success of the Western Riverside MSHCP.

C. AUTHORITIES

1. BLM Authority

- a. The Federal Land Policy and Management Act of 1976, Section 307(b) provides that the Secretary of the Interior may undertake programs of resource management through cooperative agreements.
- b. The National Environmental Policy Act of 1969, Sections 1501.6, 1506.2, and 1508.5 encourages, authorizes, describes, and defines the use of “cooperating agencies” in the development of environmental documents under this act.

2. RCA Authority

- a. The Western Riverside County RCA was established in 2004 as a Joint Powers Authority (JPA) consisting of 14 cities and the county, charged with administering the 2003 Western Riverside County MSHCP.
- b. The RCA on January 28, 2008, expressed its desire to serve as a Cooperating Agency for the development of the South Coast RMP revision and designated a representative to serve on the interdisciplinary planning team.

D. PRINCIPLES OF AGREEMENT

1. BLM Agrees To:

- a. Serve as the Lead Agency for the plan.
- b. Assume responsibilities for public participation activities.
- c. Convene an interdisciplinary team (ID Team) as required under NEPA and provide primary members of the planning team to develop the RMP and analyze impacts.
- d. Provide opportunity for a RCA representative to serve on the ID Team.
- e. Ensure the RCA is informed of ID Team meetings, assignments, and deadlines related to preparation of the RMP.
- f. Make available to the RCA information to be used in preparation of the plan, subject to any non-disclosure provisions as required by statute.
- g. Discuss with the RCA requirements of Federal and State statute that must be followed which may result in inconsistencies with any RCA resource plans or other planning documents.
- h. Retain authority for approval and signature of the Record of Decision after conclusion of the RMP/EIS process. The BLM cannot delegate this decision authority to others.

2. RCA Agrees To:

- a. Be a cooperating agency subject to NEPA Parts 1501.6, 1506.2, and 1508.5.
- b. Assign a representative to serve as the liaison for the RCA in the RMP effort.

This representative shall:

- (1) Participate as a full member of the ID Team consistent with the representative's other responsibilities to the RCA.
 - (2) Attend scheduled ID Team meetings.
 - (3) Submit written assignments as required within specified deadlines and in proper format.
 - (4) Keep the RCA apprised of RMP efforts and direction as plan is developed.
 - (5) Provide specific expertise and input on RCA planning and resource management issues and concerns applicable to the South Coast RMP revision and EIS development.
 - (6) Discuss with the ID Team during the development of plan alternatives any apparent inconsistencies between policies, plans, and/or programs of the RCA with those of the BLM and inform the RCA of required inconsistencies.
- c. Notify the BLM, in writing, of apparent inconsistencies during the Draft RMP comment period.
 - d. Participate with the understanding that BLM will not be supplying funds to the RCA for this activity.

E. COMPONENTS OF THE PROJECT

- 1. Scoping.** The public as well as Federal, State, Tribal, and local governments will be invited to identify issues and concerns and comment on planning criteria and other pertinent items as part of the scoping process to initiate the planning process.
- 2. The RMP.** A Draft RMP will be prepared and released for public comment and review. Development of the Draft RMP includes compiling information and data on the public lands, preparing an Analysis of the Management Situation (which includes information on the existing environment, conditions, trends, and management opportunities), and presenting alternatives for public review and comment.
- 3. The EIS.** An Environmental Impact Statement will be prepared concurrently with the Draft RMP and Proposed RMP to satisfy all requirements under NEPA and the implementing regulations. The EIS will analyze and disclose the impacts of the alternatives described in the Draft RMP and the subsequent management described in the Proposed RMP.

4. **Decision Process.** Approval of the Proposed RMP will result in a Record of Decision (ROD) recommended by the Palm Springs-South Coast Field Manager and signed by the BLM California State Director. BLM retains the sole decision-making authority for the public lands and resources it administers.
5. **Implementation and Monitoring.** Implementation of the plan will begin upon signature of the ROD. Some decisions require immediate action, others will be implemented during the life of the plan, and others only require action if a particular activity is initiated. An Implementation Plan will be prepared to serve as a link to BLM's budgeting process. The plan and associated decisions will be monitored on an on-going basis to determine the effectiveness of the RMP and the need for revision or amendment.

F. SCHEDULE

1. RCA and BLM agree that the time for preparation of the RMP/EIS is limited. The proposed RMP schedule is attached in Appendix A.
2. Each party agrees that it will work within the attached schedule to the best of its ability and meet deadlines as identified throughout the planning process.

G. OTHER PROVISIONS

1. **Limits of Authority and Funding.** Nothing in this agreement will be construed as limiting or affecting in any way the authority or legal responsibility of the RCA or BLM. Nothing in this agreement binds the RCA or BLM to perform beyond the respective authority of each. Nothing in this agreement requires any party to assume or expend any sum in excess of appropriations available. BLM retains the sole decision-making authority for public lands and resources it administers.
2. **Amendment of Agreement.** Amendments or supplements to this MOU may be proposed by any of the parties and shall become effective upon written approval of all parties.
3. **Termination of Agreement.** The MOU may be terminated by any of the parties thirty (30) days after notice in writing to the others of the intention to do so.
4. **Effective Date of Agreement.** This MOU shall become effective as soon as signed by all of the parties. It shall continue in force until the Record of Decision for this RMP/EIS is signed by the BLM State Director.

H. APPROVALS

IN WITNESS WHEREOF, THE PARTIES HERETO have executed this Memorandum of Understanding on this _____ day of _____, 2008.

Eugene Montanez, Chairman
Western Riverside County
Regional Conservation Authority

Date

ATTEST:

By: _____
Honey Bernas, Clerk
Western Riverside County
Regional Conservation Authority

John R. Kalish, Field Manager
Palm Springs-South Coast Field Office
Bureau of Land Management

Date

APPENDIX A

Plan Preparation Schedule

MILESTONES	START DATE	END DATE
Publish Notice of Intent in the Federal Register	Aug. 7, 2007	
Analyze mgmt. situation, data gathering, resource analysis, and development of GIS data base	May 2007	Ongoing
Public scoping meetings	Dec. 2007	
Prepare and submit Scoping Report	Dec. 2007	Mar. 2008
Hire consultant for VRM, Socio/econ, and cultural	Aug. 2007	
Consultant to prepare VRM inventory, socio/econ, air, and cultural analysis	Oct. 2007	July 2008
Prepare alternatives	Jan. 2008	Mar. 2008
Initiate consultation with the USFWS	Feb. 2008	
Prepare Admin draft EIS	March 2008	July 2008
Admin Draft RMP/EIS available for review	Aug. 2008	
Internal review and revisions of administrative draft RMP/EIS and draft biological assessment	Aug. 2008	Nov. 2008
Publish draft revisions and draft EIS for 90-day public comment period	Dec. 1, 2008	Feb. 28, 2009
Incorporate public comments into Plan/EIS; Internal review and revisions of administrative Proposed Plan/ Final EIS	March 1, 2009	May 30, 2009
Publish Proposed SCRMP Revision and FEIS	June 1, 2009	
Governor's Consistency review (60-days)	June 1, 2009	July 30, 2009
Protest period (30 days) in accordance with 43 CFR 1610.5-2	June 1, 2009	June 30, 2009
Protest resolution period (90 days)	June 30, 2009	Sept 30, 2009
Record of Decision	Oct. 1, 2009	