



## **MEETING MINUTES**

**October, 5, 2009**

### **1. CALL TO ORDER**

The meeting of the Board of Directors of the Western Riverside County Regional Conservation Authority was called to order by Chairman Bob Buster at 1:02 p.m. in the Board Room of the County Administrative Center, First Floor, at 4080 Lemon Street, Riverside, California, 92501.

### **2. ROLL CALL**

#### **Board Members/Alternates Present**

Marion Ashley  
Bob Buster  
Larry Dressel  
Maryann Edwards  
Jordan Ehrenkrantz  
Bonnie Flickinger  
Frank Hall  
Jim Hyatt  
Darcy Kuenzi  
Robin Lowe  
John Machisic  
Melissa Melendez  
Eugene Montanez  
Jim Potts  
Jeff Stone  
John Tavaglione  
Gary Thomasian

#### **Board Members Absent**

Bob Cashman  
Larry Dressel

### **3. PUBLIC COMMENTS**

Dan Mussetti of Homeland, California, expressed his interest in RCA's conservation plans and of his desire to work with the RCA as it related to his property located near Bautista Canyon. He informed the RCA Board of Directors of the different types of habitat that could be found on his property and noted that his property would fit into the RCA-type habitat. Also, he has developed a plan that would benefit RCA and at the same time, meet his objective. He requested meeting with the Executive Committee to present his proposal.

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Because of time constraints, Chairman Buster requested that staff place Mr. Mussetti on the Executive Committee agenda so that Mr. Mussetti may present his proposal in its entirety.

### **4. BOARD MEMBER ANNOUNCEMENTS**

There were no Board Member announcements.

### **5. ADDITIONS/REVISIONS**

Additional information for Agenda Item No. 9.1, *National Summit on Infrastructure and the Environment*, was noted.

### **6. APPROVAL OF MINUTES**

Jim Potts noted the representation change for the City of San Jacinto and that he was in attendance at the last meeting.

***M/S/C (STONE/HYATT) to approve the minutes of the September 14, 2009 meeting of the RCA Board of Directors, as corrected.***

### **7. CONSENT CALENDAR**

***M/S/C (STONE/MONTANEZ) to approve the following Consent Calendar items:***

#### **7.1 PARTICIPATION ON CSDA COMMITTEES**

- 1) Review and determine the Committee(s) to be considered for participation, complete the appropriate forms and ranking preference, and submit to staff no later than October 7, 2009;
- 2) Direct staff to notify RCA Board Members of future invitations for participation on the CSDA Committees; and
- 3) Authorize the RCA Chairman to review and approve participation of RCA Board Members to the CSDA Committees.

#### **7.2 FISCAL YEAR 2008-09 UNAUDITED YEAR-END FINANCIAL REPORT**

Receive and file the Unaudited Year-End Financial Report.

**8. PRESENTATION**

**8.1 WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN 2008 ANNUAL REPORT**

Pat Egetter, RCA Chief of Technical Information, presented the highlights of the 2008 Annual Report of the MSHCP as pertained to: 1) Acquisitions – Habitat Gains; 2) Habitat Losses; 3) Rough Step Analysis; 4) Management of RCA properties; and, 5) Monitoring Program. Other RCA activities discussed in the 2008 Annual Report included: a) Two vegetation categories within Rough Step Unit 6 were moved back into rough step by several acquisitions within that unit; b) the RAND Report was completed and released on November 2008; c) the processing was started for amendment of the Joint Powers Agreement, Implementing Agreement and Bylaws to add the cities of Menifee and Wildomar; and, d) the RCA entered into a Vegetation Management Plan with the California Department of Forestry and Fire Protection. The 2008 Annual Report is posted and is accessible from RCA's website, [www.wrc-rca.org](http://www.wrc-rca.org).

At this time, Chairman Buster called upon Carolyn Syms-Luna, RCHCA Executive Director, who wished to speak on this item.

Carolyn Syms-Luna, RCHCA Executive Director and Director of the Riverside County Environmental Programs Department, said that one of the programs in the Annual Report with respect to habitat assessment related to the Burrowing Owl surveys. Of the 146 species, the Burrowing Owl presents the biggest concern in the Plan. Private developers as well as the cities and the County have to meet the requirements of the Plan, and the extensive survey work occurs between March 1 and August 31. She noted that as a Permittee, this is probably the biggest challenge in the Plan besides the Fairy Shrimp. She then introduced Jared Bond who has been working with the RCA on the Burrowing Owl management plan to report on the efforts being made.

Jared Bond, Ecological Resources Specialist II, said that the Burrowing Owl is by far the most encountered species and more important, it is designated as of special concern, but is not listed as endangered at this time. Actions could be taken through the MSHCP to prevent the Burrowing Owl from being listed regionally and statewide. He then reviewed efforts being made at the El Sol property, including working with Boys Scouts installing artificial burrows, as well as actively managing the owls. He noted that no other areas outside Riverside County that are specifically working to conserve Burrowing Owls on conservation land. The efforts made at the RCA El Sol Property resulted in producing three (3) to five (5) breeding pair in just a year. The specific objective in the MSHCP is to have 120 Burrowing Owls in five core areas. When that goal is attained, there is no need for survey requirements.

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In response to Darcy Kuenzi's questions regarding the status for meeting the set goal of 120 pairs and whether the owls could be relocated, Jared Bond said that during the MSHCP review for development projects, if there are three or more pairs within 35 acres of suitable habitat, conservation is required on site. However, with less than three pairs, the MSHCP states that owls may be relocated either by passive means or by active relocation using accepted protocols. Last year, there were two approved translocations that utilized the El Sol property. When it is appropriate, active relocation is promoted.

Chairman Buster thanked staff and Jared Bond for the presentation.

### **9. EXECUTIVE DIRECTOR'S REPORT**

#### **9.1 The National Summit on Infrastructure and the Environment: Better Outcomes Through Better Process**

Charlie Landry, Executive Director, reported that he, Gary Thomasian and Eugene Montanez attended the National Summit in West Virginia, hosted by the Conservation Fund. The Summit was by invitation only and was attended by a community of business, government and conservation leaders. The purpose of the Summit was to look at improvements in the process of infrastructure project review and permitting. This was also a first step for dialogue of larger funding issues and look at additional funding scenarios. The Summit included RCA as a presenter wherein its MSHCP achievements and the RAND Report were reviewed.

#### **9.2 Consultant Report – Thomas B. Mullen**

Tom Mullen informed the RCA Board that the Summit was an idea thought of two years ago as shown in the LoGIC\$ paper. The Summit agenda mirrors the LoGIC\$ paper. He then reviewed his activities over that past year, including contact of most major environmental organizations along with major foundations that fund conservation nationwide to discuss and show the connection of environment and infrastructure issues. The effort led to a meeting with Larry Selzer, President of The Conservation Fund, who then arranged the Summit. RCA is ten (10) years ahead nationwide in setting aside land, building a habitat conservation plan and overlaying a transportation plan and housing plan in order to preserve future transportation corridors. Conversations within the last two years with the National Building Industry indicate that the conservation plan effort is also beneficial to them, which is also evident in the RAND Report.

Tom Mullen continued and said that another issue that could negatively impact HCPs, including Riverside County, is the change in the interpretation of Section 6 matching requirement by the U.S. Fish and Wildlife in Washington, D.C., that local mitigation funds can no longer be used as match. He related the efforts

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taking place to resolve this issue, including putting together a large coalition of HCPs in California including working with The Nature Conservancy and others, communicating with the highest levels at the Department of Interior, and dealing with U.S. Fish and Wildlife staff who wrote the policy. He is hopeful that this matter will soon be worked out. He mentioned another thing that is currently being explored is the possibility of putting together a funding mechanism that the HCPs could access funds to be able to acquire reserved land and to repay the funds at a later time.

Andy Melendrez said that as it related the Symposium topic, *Balancing Infrastructure and the Environment*, that as areas become more populated such as the City of Riverside where there tends to be pockets of large open spaces, he asked if there is a minimum size needed to accommodate the survival of specific types of habitat.

Tom Mullen stated that the lack of standards as related to science was in fact discussed at one of the Symposium's roundtables and resulted in different interpretations. He acknowledged that this needs to be addressed by the RCA and fortunately the RCA Plan is not a hard-line plan, and there is room for flexibility as compared with other HCPs. He iterated that there ought to be funding for cities/counties to acquire and preserve properties for open space.

Darcy Kuenzi asked, with regard to the coalition of HCPs being put together to work toward securing funding, if the amount of funds being targeted and criteria for allocation of these funds were discussed. In addition, she asked about the funds invested in seeking additional federal funds, including those expended for lobbyists, consultants, projects, etc., and whether RCA is getting a return for its investment.

Tom Mullen said that the coalition that is being put together is for Section 6 funds. What is being explored at this time is some sort of funding to be set up by Congress given the current problems of cities, counties, states, and habitat conservation plans, combined with forecasted population increase. Now is the time to acquire land as it will be more expensive and difficult in the future. And, mitigation for infrastructure projects will be more costly in the future. Thus, the issue of early funding is critical.

Chairman Buster noted a documentary on National Parks by Ken Burns that paid tribute to the unbelievable efforts of politicians and philanthropists in order to set aside breathtaking, unspoiled land enjoyed by many today.

Gary Thomasian said that he was surprised that the depth of the proposals on the Symposium agenda did not encompass what RCA has accomplished so far. For instance, the natural gas line proposal through fourteen (14) states is just in its

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early stages as they have not gone through public comments and their operating structure/framework was not set up yet. In fact, they met some attendees who were very interested in how RCA set up the MSHCP and its structure, and on the process for development through and across areas of habitat. He agreed with Tom Mullen that it is clear that the rest of the country is years behind Riverside County because most have not gone through the public comment process. He added that funding is a very important issue for Riverside to overcome. In addition to the Symposium, they had an opportunity to sit with the Washington, D.C., Director and Deputy Directors of U.S. Fish and Wildlife Service to discuss funding, a mitigation bank concept, and Section 6 funding. The Director mentioned that during the past eight (8) years, the previous Administration was not supportive of any environmental matters. Also discussed was the fact that local Fish and Wildlife Service Directors are enforcing their own interpretations of the policies. They indicated their intent to work with all of the regional offices of USFWS to have a uniformed understanding of the policies. There is a need for a uniform best land management and science practices. In contrast with other regions, RCA has already been working on this. Perhaps other HCPs could take a look at RCA's Plan to expedite setting their process. In conclusion, Gary Thomasian said that it was beneficial for RCA to attend and participate at the Symposium and RCA representation was impressive.

Eugene Montanez mentioned that he found it interesting that during the presentation by American Electric Power, an attendee asked why not look at energy conservation rather than building infrastructure. In response, the American Electric Power representative noted that they are a shareholder company and that it is not in their best interest to promote energy conservation. About 85% of American Electric Power energy is generated through coal so they are faced with a variety of issues. Another question that was raised related to meeting ozone regulations. He said that all in all, attendance of the Symposium was beneficial.

Tom Mullen stated that one of the objectives of the RAND Study was to showcase what each of the member cities/county of the RCA had accomplished so far. Only \$100 million of the \$400 million for acquisition was derived from state and federal sources and \$300 million was from local sources. If Riverside County were to break out of the State, it would be the 35<sup>th</sup> largest state in the nation. He expressed his frustration in trying to raise the matter to a national level.

On behalf of the RCA Board, Chairman Buster thanked Tom Mullen for all of his efforts and stated he hoped for a fruitful outcome.

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**10. LAND ACQUISITION UPDATE**

Ken Graff, Director of Land Acquisition, reported that since that last RCA Board of Directors meeting, 57 acres were acquired which brings the total reserve acreage to 44,957 acres.

**11. ITEMS FOR NEXT MEETING**

Jim Hyatt requested a report on the following items for the next meeting: 1) Section 6 funding program; and, 2) RCA's plan and funding for managing the acquired reserve land.

Chairman Buster announced the Closed Session items. Steve DeBaun, Legal Counsel, said that Agenda Item No. 12B related to the potential liability arising from a land transaction regarding the Wilhelm Ranch Family.

**12. CLOSED SESSION ITEMS:**

**12A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
**Pursuant to Subdivision (a) of Government Code Section 54956.9**  
■ **Case No. RIC 536809**

Chairman Buster and Jeff Stone left the meeting at this time.

**12B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**  
**Pursuant to Subdivision (b) of Government Code Section 54956.9**  
**Exposure to Litigation**  
**Number of Potential Cases: One (1)**

After the Closed Session, the meeting reconvened. There were no announcements.

**13. ADJOURNMENT**

With no other items before the RCA Board of Directors, Vice Chairman Thomasian adjourned the meeting. The next meeting of the Western Riverside County Regional Conservation Authority Board of Directors is scheduled for Monday, November 2, 2009, at 1:00 p.m., at the County Administrative Center, Board Room, First Floor, 4080 Lemon Street, Riverside, California.

Respectfully submitted,



Honey Bernas  
Clerk of the Board