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## **MEETING MINUTES**

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

The meeting of the Western Riverside County Regional Conservation Authority was called to order by Chairman Jim Hyatt at 12:31 p.m. in the Board Room of the Riverside County Administrative Center, 4080 Lemon Street, Riverside, California, 92501.

### **2. PLEDGE OF ALLEGIANCE**

Melissa Melendez led the RCA Board Members and those present in a flag salute.

### **3. ROLL CALL**

#### **Board Members Present**

Kevin Bash  
Ben Benoit  
Roger Berg  
Randy Bonner  
Maryann Edwards  
Thomas Fuhrman  
Mike Gardner  
Jim Hyatt  
Linda Krupa  
Verne Lauritzen  
Alan Long  
John Machisic  
Melissa Melendez  
Scott Miller  
Eugene Montanez  
Adam Rush  
Karen Spiegel  
Jeff Stone  
Ella Zanowic

#### **Board Members Absent**

Bill Batey  
John Benoit  
Bob Buster  
Mark Yarbrough

### **4. PUBLIC COMMENTS**

1. Susan Nash, representing the Friends of the Northern San Jacinto Valley, informed the RCA Board about a previously made request for copies of resolutions from RCA wherein she was directed to the RCA website. She commented on the difficulty of identifying the resolutions as they were listed chronologically and not by subject matter. Therefore, she submitted another request for copies of the

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resolutions. (A letter that included the list of the requested Resolutions was submitted to RCA.)

2. Bud Sprezney of Cerritos, California, presented comments regarding: 1) Recommendation for RCA letter to Senators Dianne Feinstein and Barbara Boxer requesting increase in Section 6 funds; 2) Recommendation (as a continuation of public comments submitted at the last RCA Board meeting) which would provide billion dollar cost savings to the RCA without losing conservation functionality; and, 3) Analysis and recommendations relative to Linkage 16, located east of I-215 between Keller and Clinton Keith. (The full text and graph of Mr. Sprezney's presentation was submitted to RCA.)

### **5. BOARD MEMBER ANNOUNCEMENTS**

Randy Bonner commented on Africa facing serious conservation issues and after being on the RCA Board for the past year, he is impressed with the good job that Charlie Landry and his staff are doing for Riverside County.

### **6. ADDITIONS/REVISIONS**

Closed Session Item (Agenda Item 16.1) was cancelled.

### **7. APPROVAL OF MINUTES**

***M/S/C (MONTANEZ/GARDNER) to approve the January 9, 2012 minutes of the RCA Board of Directors meeting as submitted.***

### **8. PUBLIC HEARING – ADOPTION OF RESOLUTION NO. 12-002 CERTIFYING AND APPROVING THE WARM SPRINGS CRITERIA REFINEMENT INVOLVING PROPERTIES LOCATED WITHIN MSHCP CORES 1, 2, AND 6 OF THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIAL HABITAT CONSERVATION PLAN**

Michelle Ouellette - Best, Best & Krieger, RCA Legal Counsel, reviewed the Criteria Refinement process and the points to meet compliance. The item before the RCA Board today is the Warm Springs Criteria Refinement for 200 acres. This is part of the settlement agreement with the Anheuser Busch acquisition that the RCA will purchase the 200 acres at the end of the process. Also agreed upon was to bring a criteria refinement to the RCA Board to allow the 200 acres to be used as collateral for the sale. She clarified that it is anticipated that the 200 acres will be conserved. The recommendation is for the RCA Board to adopt Resolution No. 12-002. The key point is the property being substituted is biologically equivalent or superior to the land being removed from conservation. She then introduced Stephanie Standerfer - Dudek, RCA Consultant.

Stephanie Standerfer said that the proposed property for criteria refinement is the northern 200 acres of the approximately 960 acres (Warm Springs/Anheuser Busch Property) located on the northeastern boundary of the City of Murrieta. The remaining 760 acres would be transferred to the RCA for conservation and the 200 acres could be

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conserved or developed. Since the majority of the Warm Springs Property is contemplated for conservation to contribute to Core 2, the 200 acre area of the property would require a Criteria Refinement. The proposed replacement properties for the 200 acres are the Reynolds Property (600 acres) and the Winchester-Tule Peak Property (458 acres), which totals to 1,064 acres of conservation land. She then provided a brief report on the analysis that the replacement land exceeds the equivalency requirements for the proposal as it related to the: 1) Effects on habitats; 2) Effects on covered species; 3) Effects on Core area as identified on the MSHCP Core and linkage map; 4) Effects on Linkages and Constrained Linkages; 5) Effects on Non-Contiguous Habitat Blocks; 6) Effects on MSHCP Conservation area configuration and management; 7) Effects on ecotones and other conditions affecting species diversity; 8) Equivalent or greater acreage contributed to the MSHCP Conservation Area; and, 9) There is agreements or control over mitigation property being offered.

Adam Rush said that he had discussion with Steve DeBaun, Legal Counsel, with respect to potential clarification on the proposed resolution and he asked if there was additional information at this point.

Steve DeBaun said that Mr. Rush had some concerns on whether or not the Exhibit "A" referred to in Section 1 should also be referred to in Section 2 of the Resolution wherein they determined that the Warm Springs area refinement report is essentially defined in Section 1 as a reference to Exhibit "A". Therefore, a change is not necessary.

Tom Fuhrman if the proposal will require individuals to be relocated and Charlie Landry said that there is a lease holder with Anheuser Busch and this will terminate upon completion of the acquisition process.

Melissa Melendez asked if the RCA Board taking final action will set precedent and Michelle Ouellette said that the RCA Board as the final decision makers on this matter sets precedent. She pointed out that in this case, the value of the replacement land that is secured is greater than the land removed for conservation.

At this time, Chairman Hyatt opened the public hearing.

- 1) Tom Paulek, Conservation Chair of the Friends of the Northern San Jacinto Valley, submitted comments about necessary CEQA review to determine whether the development of the 200 acres will adversely impact the remaining 760 acres designated for MSHCP conservation and if the expenditure will achieve the biodiversity conservation objective. He then requested that RCA Board defer further consideration of this item pending preparation and public review of the appropriate CEQA document. A written copy of the public comments was submitted to RCA Board Chairman.

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- 2) Susan Nash posed questions related to: 1) Financing of the 200 acres for conservation and that the acreage is being reserved for development in exchange for the 760 acres; 2) Relationship of the Anheuser Busch litigation and the proposal; 3) Legal authority for RCA as the final decision-maker for the criteria refinement; 4) RCA authority to purchase land for development; and, 5) Credit for mitigation for the replacement acreage. She requested that the RCA Board postpone action on the item in order to provide responses to the issues that were raised. (A written copy of the public comments was submitted to RCA.)

With no other public comments before the RCA Board, Chairman Hyatt closed the public hearing.

Michelle Ouellette stated that the item before the RCA Board is not to approve construction or development of the property that would trigger environmental review under the California Environmental Quality Act (CEQA). The proposal is to confirm that RCA has a property of equal or better biological value for substitution. This is a part of the Anheuser Busch settlement to purchase the property for conservation when financing is available for Phase 9, eight (8) years from now. She reiterated that there is no project being proposed today that would have an environmental impact. If in eight years, funding is not available, the County of Riverside or the City of Murrieta (if the property is annexed) determines to develop the property, the property owner will have to undergo the environmental review process for development. With regards to the cited CEQA Categorical Exemptions 15307 and 15308 "*Construction activities and/or relaxation of standards allowing environmental degradation are included in these exemptions,*" this only applies if development/construction is being considered by the property owner. She clarified that the RCA Board may not approve such things as it does not have land use jurisdiction. Therefore, there are no direct or indirect impacts to the physical environment and this is not a project under CEQA. To the extent that it is, there are two CEQA guidelines – Sections 15307 and 15308, which exempt activities taken by regulatory agencies to assure the maintenance, restoration or enhancement of natural resource, which are applicable as the proposal is substituting properties. There is nothing in the MSHCP that states that just because the RCA owns properties within criteria cells that those properties cannot be replaced. With regard to the comment regarding building the extension of Clinton Keith Road, the project was evaluated in an Environmental Impact Report (EIR) prepared by the County of Riverside. The statute of limitations has since expired.

In response to Tom Fuhrman's question if the proposal was to purchase the acreage in phases if funding is available, Michelle Ouellette confirmed the acquisition of the property in phases if and when funding is available and it will be purchased for conservation use.

Melissa Melendez asked if there was analysis done that the RCA has a high probability of having available funding to purchase the property. Michelle Ouellette said that this is a part of the Anheuser Busch settlement that was approved last month. The item before the RCA Board relates only to the Criteria Refinement of the 200 acres.

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Roger Berg, for clarification purposes, stated that this item is for substitution for acreage that is biologically better.

Alan Long added that the proposal is not only better for habitat according to the analysis but is significantly more property (1,068 acres to replace the 200 acres) for conservation. Also, although the City of Murrieta would like to have a university, there is no area identified by the City to locate a university. This is just a conservation property criteria refinement.

Tom Fuhrman asked whether the 1,068 acres has been purchased, Charlie Landry said that RCA has purchased the acreage. Currently, the property was not identified for conservation but it is located within the cells.

Chairman Hyatt spoke about a property in Calimesa identified for possible criteria refinement and an I-10 undercrossing for wildlife

***M/S/C (LONG/RUSH) to adopt and authorize the Chairman to sign Resolution No. 12-002, Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Certifying and Approving the Warm Springs Criteria Refinement Involving Properties within Cores 1, 2 and 6 of the Western Riverside County Multiple Species Habitat Conservation Plan.***

Nay: Fuhrman

### 9. CONSENT CALENDAR

***M/S/C (GARDNER/MELENDEZ) to approve the Consent Calendar item:***

#### 9.1 CONSULTANT REPORT – DAVE KENNETT FISCAL YEAR 2012 SECOND QUARTER REPORT

Receive and file the Fiscal year 2012 Second Quarter Report for consultant Dave Kennett.

### 10. PUBLIC INFORMATION UPDATE

Dawn Hassett of Geographics, RCA Consultant, presented an update of RCA's public outreach efforts. The purpose of the RCA public information program is two-fold: 1) Build public and stakeholder support for the mission of the RCA; and, 2) Educate the public and stakeholders on how the MSHCP works and what RCA does. There are two components – informational and active. The informational component includes the RCA website and the electronic newsletters, which are released two to three times per year. The active component is a yearly review published in the Press Enterprise which is distributed to 150,000 households. The newsletter is also direct mailed to local agencies, public agencies' staff, and elected officials. She iterated that the RCA deals with matters

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that are complicated. So, the first release included definitions and descriptions of such things as criteria cells, linkages, etc., and are reviewed again in subsequent releases. The current newsletter focused on how RCA manages, monitors and protects the acquired land. The electronic newsletter is scheduled for release this week.

In response to accessibility of approved Resolutions on RCA's website, Eugene Montanez requested Dawn Hassett to speak with Ms. Nash. Dawn Hassett said that there is a need to modify the listing to include the subject matter of the Resolutions.

Chairman Hyatt commented on the burrowing owl article and picture showing Dustin McLain. Also he noted that a golden spotted oak beetle trap was placed on his property.

### **11. LAND ACQUISITION POLICY 1.01**

Brian Beck, Land Acquisition Analyst, said that this item pertains to a proposal for modification of Section 1.01 of the Land Acquisition Policy to memorialize practice with respect to residential and commercial structures. By and large the RCA excludes any residential and commercial structures from its acquisition boundaries, unless there is a compelling and clear benefit to the agency. Case in point was the 2005 Goodhart acquisition (900 acres) that included a house and a barn and it was used for caretaking and storage purposes. Generally, residential and commercial structures do not contain MSHCP reserve value and are carved out of the acquisition boundary to reduce cost to the RCA. Therefore, staff is recommending that the RCA Board approve the modification to the Land Acquisition Policies Section 1.01 that generally excludes structures from the acquisition boundary from future acquisitions unless the Executive Director determines that there are compelling circumstances that there is a clear benefit to the RCA.

Alan Long commented that this proposal would work for a large acreage, but is problematic for a small parcel with a structure.

Charlie Landry agreed but for the most part, RCA would avoid the small parcels if possible.

In response to Melissa Melendez to review past practice, Brian Beck said that RCA excluded residences. Essentially the written legal description excludes the residential and any accessory structures in developing footprint of the proposed acquisition.

Melissa Melendez stated that she preferred bringing the matter to the RCA Board on a case-by-case basis, rather than modifying the current policy.

Charlie Landry explained that there is a large parcel that includes a residential structure undergoing HANS process and staff is concerned about the precedence that it sets by not modifying the policy.

Mike Gardner commented that in considering acquisition of a large parcel with a structure and by not including the structure within the acquisition boundary, staff would have to

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look at the viability to and from the structure. He added that he is in favor of the current policy to review cases as they come up and retain the determination at the Board level.

Roger Berg is that he is in favor of the proposed modification as staff has the expertise in determining whether or not there is habitat conservation benefit to consider a property within the acquisition boundary.

Maryann Edwards proposed that the modification to determine inclusion of structures in the acquisition boundary be determined by the RCA Board of Directors, in lieu of the Executive Director.

***M/S/C (EDWARDS/GARDNER) to approve the following modification to the Land Acquisition Policies Section 1.01 as follows: “(i) For future acquisitions, the RCA will generally not acquire property that includes residential or commercial structure(s) in the absence of compelling circumstances, as determined by the RCA Board of Directors; provided, however that RCA acquire the property if the structure(s) have been either (1) physically removed, or (2) the property that contains the structure(s) is not part of the acquisition.***

***Nays: Machisic, Berg, Bonner, Melendez, BBenoit***

***Abstain: Fuhrman***

### **12. PROFESSIONAL SERVICES AGREEMENT BETWEEN THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY AND ECONOMIC & PLANNING SYSTEMS, INC., FOR A NEXUS FEE STUDY UPDATE**

Pat Egetter, Chief of Technical Information, reported that a Request for Proposals for the Nexus Study Update was released and noticed in June 2011. Two firms attended the Bidders' Conference. Two proposals were received and reviewed. Based on the review, Economic & Planning Systems, Inc., was selected to perform the Study.

Adam Rush asked if RCA has a policy regarding local firm preference. Charlie Landry responded that RCA does not have such a policy. He further advised that the RCA did not receive a proposal from a local firm.

***M/S/C (MELENDEZ/BERG) to:***

- 1) Approve the Professional Services Agreement between the RCA and Economic & Planning Systems, Inc., for a Nexus Study Update; and***
- 2) Authorize the Chairman to execute said agreement on behalf of the Authority.***

**13. EXECUTIVE DIRECTOR'S REPORT**

Charlie Landry reported on the following items:

**13.1 Proposed Loan Program Update**

Staff continues to work with Senator Dianne Feinstein's office on the proposed loan program as a rider to the transportation legislation, which is currently before the Senate Transportation Committee. Staff was requested to contact national infrastructure organizations for support letters to the proposal.

**13.2 Ramona Duck Club**

This matter was before the RCA Board approximately a year ago to recommend support for the Wildlife Conservation Board (WCB) to proceed with a conservation easement related to a County of Riverside Conditional Use Permit condition of approval. The WCB, on behalf of California Department of Fish and Game (CDFG), subsequently purchased a conservation easement from the Duck Club. A month ago, staff was notified by Mr. Paulek and others that there was grading occurring on the Duck Club property. CDFG stated that the maintenance section of the conservation easement allowed the Duck Club to rebuild the duck ponds. He noted that the property is within County jurisdiction and the County was not taking discretionary action, therefore, it did not initiate an MSHCP review. No grading permit was requested or issued. Staff expressed displeasure with CDFG as RCA was not made aware of the Club's plan regarding the duck ponds. CDFG believes that this is in conformance with their mission in the San Jacinto Wildlife Area as well as the MSHCP because the duck ponds were already in existence. As a result of this occurrence, due diligence on any future conservation easements will be made by staff so that RCA is aware of future activities that may affect the land. He noted that the property is being counted as part of additional reserve lands.

**14. LAND ACQUISITION UPDATE**

Brian Beck stated that there are three properties that will close escrow and he will update the RCA Board at the next meeting.

**15. ITEMS FOR NEXT MEETING**

There were no items suggested for the next RCA Board meeting.

**16. CLOSED SESSION ITEM: (CANCELLED)**

- 16.1 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
**Pursuant to Subdivision (a) of Government Code Section 54956.9**
- **RIC 1100822 Friends of Riverside's Hills**

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**17. ADJOURNMENT**

There being no other items before the RCA Board of Directors, Chairman Hyatt adjourned the meeting. The next meeting of the Western Riverside County Regional Conservation Authority Board of Directors is scheduled for Monday, March 5, 2012, at 12:30 p.m., at the County of Riverside Administrative Center, Board Room, 4080 Lemon Street, Riverside, California.

Respectfully submitted,



Honey Bernas  
Clerk of the Board