



**WESTERN RIVERSIDE COUNTY
REGIONAL CONSERVATION AUTHORITY**

www.wrc-rca.org

**MINUTES
Monday, December 4, 2006**

1. CALL TO ORDER

The meeting of the Western Riverside County Regional Conservation Authority Board of Directors was called to order by Chairman Kelly Seyarto at 1:04 p.m., in the Board Room of the County Administrative Center, 4080 Lemon Street, First Floor, in Riverside, California 92501.

2. ROLL CALL

Board Members/Alternates Present

Marion Ashley
Dom Betro
Bob Buster
Larry Dressel
Frank Hall
Robin Lowe
John Machisic
Eugene Montanez
Shenna Moqet
Robert Schiffner
Kelly Seyarto
Jeff Stone
John Tavaglione
Chuck Washington
Charles White
Mark Yarbrough*
John Zaitz

Board Member Absent

Chris Buydos
Roy Wilson

3. PUBLIC COMMENTS

There were no public comments.

4. BOARD MEMBER ANNOUNCEMENTS

There were no Board Member announcements.

*Arrived after start of the meeting.

5. ADDITIONS/REVISIONS

Steve DeBaun, Legal Counsel, noted a revision to Agenda Item No. 7.1 Resolution No. 06-14, *A Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Delegating to the Executive Director the Authority to Make Transfers and Revisions of Appropriations Within a Budget Unit* to include the following provision:

“All transfers and revisions of appropriations within a budget unit will be reported to the Board by the Executive Director on a monthly basis.”

6. APPROVAL OF MINUTES – November 6, 2006

M/S/C (ZAITZ/STONE) to approve the minutes of the November 6, 2006 meeting as submitted.

7. CONSENT CALENDAR:

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

7.1 RESOLUTION NO. 06-14, “A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY DELEGATING TO THE EXECUTIVE DIRECTOR THE AUTHORITY TO MAKE TRANSFERS AND REVISIONS OF APPROPRIATIONS WITHIN A BUDGET UNIT”

Adopt Resolution No. 06-14, *“A Resolution of the Western Riverside County Regional Conservation Authority Delegating to the Executive Director the Authority to Make Transfers and Revisions of Appropriations Within a Budget Unit”*, including the provision that the Executive Director provide a monthly report of transfers and revisions of appropriations within a budget unit to the Board .

7.2 PROPOSED 2007 MEETING SCHEDULE FOR THE RCA BOARD OF DIRECTORS AND EXECUTIVE COMMITTEE

Approve the proposed 2007 meeting schedule of the RCA Board and Executive Committee.

7.3 FISCAL YEAR 2006-07 FIRST QUARTER FINANCIAL REPORT

Receive and file the Fiscal Year 2006-07 First Quarter Financial Report.

7.4 FISCAL YEAR 2005-06 INDEPENDENT AUDITORS' REPORT

- 1) Receive and file the Fiscal Year 2005-2006 Independent Auditors' Report; and
- 2) Direct staff to file said report with the Auditor Controller's Office prior to December 30, 2006.

8. POLICY CALENDAR:

8.1 CORE 2 CRITERIA REFINEMENT

Joe Richards, Deputy Executive Director, stated that approximately one year ago, the County of Riverside and the City of Murrieta requested that the RCA undertake a Criteria Refinement of Core 2. This was based on information received during the late stages of Plan preparation suggesting that there is fragmentation of habitat in Core 2 due to existing development and it maybe difficult to achieve the Plan's goal. In addition to the indication that fragmentation might be a problem, the information suggested that equal or better habitat may exist in other Cores where land values were lower. Dr. Michael Allen of the Center for Conservation Biology at UCR, assembled a panel of experts to assess the environmental conditions of Core 2, and they concluded that the central portion of Core 2 was essential to the Plan and had values that were unique that were not found in the Plan area. Core 2 will function as an important element in the reserve system. In addition, even though the periphery of Core 2 was found to be disturbed, it could have some value serving as stepping stone linkages into the central portion of Core 2. Based on the report, staff is recommending that the RCA Board: 1) Direct staff to terminate the Criteria Refinement in Core 2 on the basis that the report prepared by the Center for Conservation Biology does not support a comprehensive change to the core; and, 2) find that project-level refinements by the County and the City of Murrieta may be appropriate on the periphery of the Core, as such refinements may not impair reserve assembly or linkages.

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At this time, Tom Mullen, Executive Director, thanked Dr. Michael Allen for conducting and funding the assessment of the Core 2 refinement. He then requested Dr. Allen to elaborate on the following: 1) whether the edge areas of Core 2 that appeared to have reduced value can be effectively conserved based upon changed conditions; 2) when a criteria refinement is performed to save a stepping stone, whether it means saving an entire area; 3) what the process to be undertaken if there is a large area located on the periphery has questionable value; and, 4) describe the type of linkages and its function.

Dr. Allen stated that Core 2 has certain values that would not be found in other areas. He acknowledged that there have been developments and that the edges also contain a number of old agricultural fields. There will be patches around the edges that are less valuable for biological resources needed today but these areas are more important towards the creation of the stepping stone linkages, but not as a core element of the Core 2 area. He noted that some patches would be saved, and depending on the distance from other stepping stones in the Core 2 area, some of these units could be restored, restoration practices are available to create the smaller patches that are essential. Additional surveys beyond modeling to determine that the areas are appropriate stepping stones. Also, information on how the animals and plants disperse needs to be integrated. Core 2 is the only living habitat that connects the California gnatcatcher population and it has living habitat that allows the living organisms to move back and forth. The stepping stones are important for certain species to be able to make linkages to maintain their genetic diversity and population. For instance, the Quino checkerspot butterfly tends to go locally in one point and then re-emerge in other points. Understanding how all of these points work together is important as related to linkages.

In response to Tom Mullen's question about the location of stepping stone to the northwest, Dr. Allen said that it would be across the I-215 where large amounts of coastal sage and chaparral exist. For Core 2, some of the stepping stones have been set aside toward Diamond Valley, as well as northeast of Core 2. He concurred that criteria refinements along the periphery on a project-by-project basis may be appropriate.

At this time, Dr. Allen named the members of the assessment panel: 1) Dr. Kristine L. Preston, Assistant Researcher; 2) Dr. Edith Allen, Professor of Plant Ecology and Natural Extension

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Resource Specialist; 3) Dr. Tom Scott, Associate Director of the Center for Conservation Biology and Professor of Wildlife Biology; 4) Dr. Jonathan Atwood, Director of Center for Conservation Biology Program at Antioch, New England Graduate School; 5) Dr. Cameron Burroughs, who works on Ecosystem and Population Structures; 6) Dr. Kim Heloma, Manager of Mac Rimrock Reserve and works on lizards and amphibians; 7) Dr. Richard Riddick, Professor of Entomology, who has done extensive work on the Quino checkerspot butterfly; 8) Dr. John Rottenberry, Professor in the Department of Biology, Associate Director of the Center for Conservation Biology and Director of the UC Natural Reserve System; and, 9) Dr. Stewart Weiss, consulting ecologist for Creekside Center for Earth Observing and working on the Bay Checkerspot Butterfly and previously associated with the Stanford Center for Conservation Biology.

Bob Buster noted that the Core 2 map shows a number of peripheries and developments and inquired if southeast of Winchester Road would be a connection that needs to be preserved or whether it could serve as access to the connection. Dr. Allen responded that based on the models and vegetation analysis done by the California Department of Fish and Game, the Central Watershed that runs through the middle is a key area for the gnatcatcher and the Quino checkerspot butterfly. With regards to corridors to link Core 2 with other areas, it should be done on a case by case basis.

In response to Robin Lowe's question regarding what the dimension of a stepping stone might be, Dr. Allen said the determination is organism dependent as different organisms perceive the distance between the stepping stones and, therefore, the size of the stepping stones would vary in size.

Robin Lowe expressed her concern that the assessment process did not include stakeholders to which Tom Mullen stated that the assessment was presented to be 100% science driven and that the process for integration of the rest of the Plan would be the same. Science would be updated on an annual basis. For instance, the vegetation map that was developed in 1994 was updated in 2002 and again in 2004.

In response to Robin Lowe's question if science would change in accordance to development in the area, Dr. Allen said that science is based strictly on the behavior and the ecology of the

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species. For the assessment, they focused specifically on the species in the Plan area.

Shenna Moqet questioned if the approval of Recommendation No. 2 would still require the City and County to undergo a stringent review process for the periphery lands. Tom Mullen said that a core refinement process would be undertaken at the request of the permittee, whether it is the County or a City. In order for a criteria refinement to take place, there must be replacement land of equal or better value ecologically.

Jeff Stone thanked Dr. Allen for the group's time, efforts and research on this exhausting and comprehensive undertaking. He spoke about the obligation to the federal government, with 153,000 acres to be acquired, and the need to provide \$1.5 billion to satisfy their mandate placed upon the landowners of the County of Riverside. Due to the pervasive development allowed to occur in the French Valley over the past decade, property values and habitat areas have become very expensive. Not only will it be a challenge to acquire land but it will also be a challenge potentially to address legal issues with respect to entitlements that have been given and entitlements that could be compromised by not allowing a criteria refinement process in the area. He stated he believed there is equally important habitat for species in other areas of the County that could be enhanced by expanding the boundaries of the habitat areas.

Dr. Allen stated that their assessment was to determine if Core 2 presented unique resources within the context of the overall Plan and if it represented a critical area in the context of core linkage type of approach with particular concern to the gnatcatcher and the Quino checkerspot butterfly.

Jeff Stone discussed looking at other areas in the County not within cells that may have been overlooked as far as habitat viability and essentialness to promote the propagation of species.

Tom Mullen cautioned the Board about opening the whole Plan because it would place the permit in jeopardy. Going through the criteria refinement process is the means by which it can be determined if areas that are equal to or better biologically exist, and if so, release of other lands would be appropriate. The reason that the Plan was undertaken was to be able to expedite the placement of infrastructure and he noted the Rand

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Study that is underway would also verify that. He expects that the Mid County Parkway environmental documents will be certified by mid-2008 and with the right-of-way in possession, construction may be started by 2011. He encouraged the Board to continue and undertake criteria refinements, where appropriate.

At this time, Chairman Seyarto opened the matter for public comments:

- 1) Ken Osborne, an Entomologist, President of Friends of UC Riverside Entomology Museum, and Vice President of the Tri County Conservation League, stated that he generally concurred with the findings of the study that Core 2 does have significant biological resources.
- 2) Robert Wheeler, representing the Elsinore/Murrieta and the Resource Conservation District, spoke about the study as a science-based informational study and his concern about the lack of non-science stakeholder was part of the process. He pointed out that the proposed No. 2 recommendation would provide development to occur around the Core 2 edges. Development of individual projects in the Core will undermine regional conservation planning.
- 3) Jonathan Evans, representing the Center of Biological Diversity and its members, commended the RCA for using science as the guiding principle in the process. Of particular value in the study was that the undisturbed as well as the disturbed potentially restorable lands providing connectivity between Core 2 and other Core areas to the east and the west were considered. As a cautionary note, he said that project double refinement should not be allowed as it will essentially hinder the implementation of the Plan. He encouraged the Board to oppose project refinements that will essentially degrade the effectiveness of the conservation area and to conserve all of Core 2 toward the benefit of the Quino checkerspot butterfly to provide connectivity to other areas outside of Core 2 and to support any preservation and expansion of Core 2 area to make the MSHCP more effective.
- 4) Borre Winckel, representing Building Industry Association and the Stakeholders, reiterated the RCA Executive Director's statement that the Plan is ahead in conservation with approximately 32,000 of the 154,000 acres which was

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conserved from private groups. He noted that the area contains expensive real estate in the County and to essentially take property acquisition and dedication would tap a sum of funds which in their view might jeopardize and risk the Plan and why they see the Core 2 issue before the RCA as a watershed moment very early on the Plan. He noted that there are not sufficient funds to acquire the entire Core 2 area. He urged that in addition to science, that the RCA Board also consider that the capital impact of this purchase may be detrimental to the rest of the Plan.

- 5) Vicki Long, representing the EMARCD, informed the RCA Board that they are now accepting some easements and they are doing their part by setting aside land and are working with developers to make connections, not only for the Quino checkerspot butterfly but also for mountain lions and large mammals in the County. She hoped that RCA will not feel so pressured by the threats of the development community to make certain that the Plan is done correctly for the sake of those living in the area by providing open space for them to be able to recreate and applauded the RCA for using a science based study.

With no other members of the public requesting to speak, Chairman Seyarto closed the public comment period.

Chuck Washington asked about the level of authority given under Recommendation No. 2 and also asked about the periphery continuing to serve as stepping stones to more valuable portions of the Core area. Tom Mullen stated that the recommendation will not change authority. The recommendation is to abandon the Core 2 Criteria Refinement recognizing that a project refinement may be appropriate on the periphery. The report indicated that a refinement is appropriate on a case-by-case basis.

Robin Lowe questioned if there is a financial impact to other areas in the Plan to take Core 2, and Tom Mullen said that the proposed action would allow proceeding as the Plan dictates. If a project comes forward in which the land is to be acquired in accordance with the Plan, then negotiations would take place, and the RCA has four years in which to purchase the property. He noted that the financial plan and priorities for the year would not change.

Chairman Seyarto noted that fragmentation did not occur because of the program, but it did occur because the program was not in existence then. The Plan will help manage and preserve the areas. With regard to the comments that developers may be pressuring the Board and the Board is responding to the pressure, there would not be a Plan if that was the case. He then thanked the staff and Dr. Allen and his for their work on this matter.

M/S/C (WASHINGTON/WHITE) to:

- 1) Direct staff to terminate the Criteria Refinement in Core 2 on the basis; and***
- 2) Further, find that project refinements by the County and the City of Murrieta may be appropriate on the periphery of the Core.***

Abstain: Ashley, Lowe

8.2 MODIFICATION OF THE LAND ACQUISITION POLICIES FOR THE REGIONAL CONSERVATION AUTHORITY

Brian Beck, Principal Development Specialist, informed the RCA Board that the item consisted of two policies: 1) General guideline for processing IRS Form 8283 for Bargain Sales and Donations. The main thrust of the policy is that appraisal must be reviewed and approved by RCA staff or a consultant hired by the RCA. Staff recommends a slight modification to Paragraph G of the policy to add, "*or designee*" after the Executive Director for additional flexibility; and, 2) HANS acquisitions where staff recommends that the RCA must complete its basic due diligence before the 120 day negotiation clock identified in the Plan begins.

Robin Lowe asked for clarification or an example of who would be appointed as a designee. Tom Mullen clarified that even though a designee is provided, and in this case it would be the RCA Director of Land Acquisition and Property Management, accountability lies with the Executive Director.

- 1) Paul Wyland, Attorney representing Winchester 700, expressed his concern about the HANS timeline proposal. He felt that this essentially constitutes an amendment of the MSHCP. The MSHCP sets out specific timelines for the negotiation process in order to acquire land. What the

recommendation proposes to do is to stop the clock while the due diligence is done by the RCA and allow the RCA to proceed for any length of time through the due diligence process and it draws the period out even further to the point that it is no longer definite.

- 2) Borre Winckel stated that he concurred with the points made by the previous speaker. It is an explanation that works well for the agency side, but it does not work the landowner community side. He requested that the RCA continue this item for 30 days to bring others in the discussion. He also disagreed with the change to the IRS policy.

At this time, Tom Mullen requested that Legal Counsel respond to the points raised relating to the timeline proposal.

Steven DeBaun, Legal Counsel, said that the intent of the proposed policy is not to amend the MSHCP. The policy is mainly a clarification. The 120 day period begins at the time when RCA has all the information available in order to begin negotiations.

M/S/C (TAVAGLIONE/WASHINGTON) to:

- 1) ***Adopt the proposed modifications to the policy relating to IRS Form 8283, including the designation of a designee to provide flexibility; and***
- 2) ***Continue the proposed policy on the HANS timetable.***

8.3 2007 ELECTION OF OFFICERS

M/S/C (SEYARTO/LOWE) that Jeff Stone be the 2007 RCA Chairman.

M/S/C (LOWE/WHITE) that Eugene Montanez be the 2007 RCA Vice Chairman.

Jeff Stone and Eugene Montanez were unanimously elected as RCA's 2007 Chairman and Vice Chairman, respectively.

9. EXECUTIVE DIRECTOR'S REPORT

At this time, Tom Mullen stated that the audit revealed no findings and read a letter from the auditor complimenting staff, specifically Honey Bernas and Gary Poor for a job well done.

9.1 RCA Board Chairman, Past Chairman, and Member Recognition

On behalf of the RCA Board, Tom Mullen presented a token of appreciation which is a numbered limited production of a bronze statue of a Gnatcatcher and a map of the Western Riverside County region, to outgoing Chairman Kelly Seyarto and Past Chairman Robin Lowe. In addition, he presented a plaque to Shenna Moqet for her services as a RCA Board Member from 2004 to 2006.

9.2 Public Outreach

Tom Mullen informed the Board that a PSA is in the process of being completed and should be shown on cable stations sometime in January.

Staff continues to meet with Trails, Equestrian and Service groups to formulate a policy for public access in the reserve lands.

9.3 Creation of a Land Management Division

With the continuing increase in land acquisitions, there is a need to set up staffing to maintain the properties. The proposal will be presented to the RCA Board at a future meeting.

9.4 Office Move

There was no report on the office move.

10. LAND ACQUISITION UPDATE

Ken Graff, Director of Land Acquisition and Management, informed the Board that since its last meeting, RCA closed escrow on additional 239 acres and are now at 33,910 acres to date.

11. ITEMS FOR NEXT MEETING

There were no items presented for the next meeting.

At this time, the RCA Board adjourned to Closed Session.

12. CLOSED SESSION:

With respect to every item of business to be discussed in closed session pursuant to Government Code Section 54956.8:

**Conference with Real Property Negotiator
Pursuant to Government Code Section 54956.8**

- | | |
|-------------|--|
| 12.1 | Property: Assessor's Parcel No. 579-230-017 |
| | Negotiating Parties |
| | Agency Negotiator: Director of Land Acquisition and Property Mgt. or Designee |
| | Property Agent: Jennings, David D. and Dorn W./David D. Jennings |
| | Under Negotiation: Price/Terms |
| | |
| 12.2 | Property: Assessor's Parcel No. 555-300-012 |
| | Negotiating Parties |
| | Agency Negotiator: Director of Land Acquisition and Property Mgt. or Designee |
| | Property Agent: Kirchner, David A. and Wilson, James E./ David A. Kirchner |
| | Under Negotiation: Price/Terms |
| | |
| 12.3 | Property: Assessor's Parcel No. 915-330-020 |
| | Negotiating Parties |
| | Agency Negotiator: Director of Land Acquisition and Property Mgt. or Designee |
| | Property Agent: Licata, Daniel P. and Tiffany/ Daniel P. Licata |
| | Under Negotiation: Price/Terms |

