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MEETING MINUTES

Monday, October 1, 2012

1. CALL TO ORDER

The meeting of the Western Riverside County Regional Conservation Authority was called to order by Chairman Jim Hyatt at 12:32 p.m. on Monday, October 1, 2012, in the Board Room of the Riverside County Administrative Center, 4080 Lemon Street, Riverside, California 92501.

2. PLEDGE OF ALLEGIANCE

Jeff Stone led the RCA Board Members and meeting attendees in a flag salute.

3. ROLL CALL

Board Members Present

Marion Ashley
Kevin Bash
Ben Benoit
Randy Bonner
Bob Buster
Maryann Edwards
Tom Fuhrman
Mike Gardner
Jim Hyatt
Linda Krupa
Alan Long
Verne Lauritzen
Melissa Melendez
Scott Miller
Eugene Montanez
Adam Rush
Jeff Stone
Mark Yarbrough

Board Members Absent

Bill Batey
John Benoit
Roger Berg
John Machisic
John Tavaglione

4. PUBLIC COMMENTS

- A. Ron Hanway, Redlands, California, 92373, spoke about his involvement as a member of the advisory committee during the formation of the MSHCP and effects of the ESA on property owners. He voiced his opposition to the repeal of the non-development HANS process from the MSHCP. (A written testimony was submitted and is on file.)

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- B. Tami Wilhelm, Hemet, California, 92544, presented testimony on the importance of preserving the non-development HANS process to property owners.
- C. Ed Sauls, The Sauls Company, Laguna Beach, California, 92654, stated that for the RCA Board to adopt the proposed minor amendment repealing the non-development HANS process works against the MSHCP. He understood that staff has communicated that removing this part of the Plan would assist in setting priorities. He disagreed stating that RCA has every authority need to set priorities without the proposed change. He suggested that the RCA Board form a small, informal committee to bring the stakeholders back to the table to work of the real problems and real solutions. (A written testimony was submitted and is on file.)
- D. Anthony Souza, La Mirada, California, 90638, spoke and said that it is critical to keep the current process in place in order to provide options for owners with properties in the MSHCP area.
- E. Lori Van Arsdale, Hemet, California, 92544, recalled the efforts in forming the RCA during the development of the MSHCP when she was a member of the Hemet City Council. She advised that this process was very important to the Council at that time. She asked that the RCA Board consider keeping the non-development HANS process in place.

After hearing the testimony presented by the public, a lengthy discussion followed between the RCA Board Members and Legal Counsel on the feasibility and options under the Brown Act, to pull and/or continue with the Closed Session item, as listed on the agenda.

Subsequently, it was decided to hold the Closed Session as listed on the agenda. At this time, Chairman Hyatt convened the meeting to Closed Session.

14. CLOSED SESSION ITEM

- 14.1 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
 - Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9**
 - **One (1) Potential Case**

After the Closed Session, Chairman Hyatt reconvened the meeting.

Steve DeBaun, Legal Counsel, announced that during the Closed Session, the RCA Board took action to rescind the minor amendment proposal and directed the Chairman to form a subcommittee, with property owner involvement, to look into the issue further and report any recommendations back to the full Board for any action.

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5. BOARD MEMBER ANNOUNCEMENTS

There were no Board Member announcements.

6. ADDITIONS/REVISIONS

There were no further additions/revisions.

7. APPROVAL OF MINUTES

M/S/C (GARDNER/BBENOIT) to approve the minutes of the September 10, 2012 meeting of the RCA Board of Directors, as submitted.

8. FISCAL YEAR 2012-13 FIRST QUARTER CONSULTANT REPORTS FOR DOUGLAS P. WHEELER, HOGAN LOVELLS US LLP, AND DAVID KENNETT, CAPITAL ALLIANCE CONSULTING

RCA consultants Doug Wheeler of Lovells Hogan US LLP (by video conference), and Dave Kennett of Capitol Alliance Consulting, reported on federal activities, i.e., federal funding for habitat acquisition, critical habitat designations on MSHCP land, and loan/loan guarantee legislation.

Dave Kennett showed a chart depicting the Section 6 funding available from fiscal years 2009 – 2011. In 2009 there was \$75 million available. In 2012, the House proposed \$2.9 million. RCA's efforts to get the senate to increase the allocation resulted in funding being increased to \$47.8 million. Previously, fifty percent of the funds were available for acquisition and fifty percent were for planning. The House and Senate reduced the funding available for acquisition to one-third of the amount. For 2012, the House proposed \$14.1 million for acquisition and the Senate proposed to keep it about even. It is encouraging that the House proposed that 80% of the money in that account go toward acquisition versus habitat conservation planning as a result of RCA's meeting with the House. FY 2012, the RCA received \$4 million which was the single largest Section 6 grant awarded in the nation. RCA will continue its efforts for increased federal funding of this program.

Dave Kennett then reviewed species with critical habitat designations (CHDs) on MSHCP land. As long as RCA is implementing the MSHCP correctly, USFWS should be not designating critical habitat on MSHCP lands. He reviewed the existing and proposed CHDs within the Plan Area and their effects on covered activities and ongoing efforts to remove the CHDs. Concerning the Santa Ana Sucker CHD, the federal district court ruled against the plaintiffs' motion and that a trial on the merits will proceed. There have been discussions between the water agencies and the USFWS to possibly develop a habitat conservation plan.

Doug Wheeler continued the legislative briefing and reviewed the status of the proposed loan/loan guarantee program. He said that with the upcoming election, options for this

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year are limited. One possibility is the amendment to HR 1964, as part of "Tax Extenders" during the lame duck session. For next year, options include: 1) stand-alone legislation will be reintroduced; 2) revisit the possibility of an amendment to the State Revolving Fund; 3) the Water Resources Development Act; 4) revisit the TIFIA amendment after the expiration; 4) Endangered Species Act Reform legislation; 5) amendment to Section 6 (ESA) to authorize loans and loan guarantees; and, 6) amendment to HR 1964 (tax extenders) if no action was taken in 2012.

On behalf of the RCA Board, Chairman Hyatt thanked Dave Kennett and Doug Wheeler for their presentation.

9. CONSENT CALENDAR

M/S/C (RUSH/BBENOIT) to approve the following Consent Calendar items:

9.1 WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY MULTIPLE SPECIES HABITAT CONSERVATION PLAN LOCAL DEVELOPMENT MITIGATION FEE COLLECTION AND CIVIC/ INFRASTRUCTURE CONTRIBUTION REPORTS FOR JULY AND AUGUST 2012

Receive and file the MSHCP Development Mitigation Fee Collection and Civic/Infrastructure Contribution Reports for July and August 2012.

9.2 FISCAL YEAR 2012-13 FIRST QUARTER CONSULTANT REPORTS FOR DUDEK, GEOGRAPHICS, RIVERSIDE COUNTY REGIONAL PARK AND OPEN-SPACE DISTRICT, AND SANTA ANA WATERSHED ASSOCIATION

Receive and file the Fiscal Year 2012-13 First Quarter Consultant Reports for Dudek, Geographics, Riverside County Regional Park and Open-Space District, and Santa Ana Watershed Association.

At this time, Chairman Hyatt announced that due to time constraints, the following agenda items will be rescheduled to the next RCA Board meeting:

10. WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY MULTIPLE SPECIES HABITAT CONSERVATION PLAN ANNUAL REPORT 2011

11. EXECUTIVE DIRECTOR'S REPORT

11.1 March Joint Powers Authority

12. LAND ACQUISITION UPDATE

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13. ITEMS FOR NEXT MEETING

No items were suggested for the next meeting.

14. CLOSED SESSION (*This item was addressed after Agenda Item 4, Public Comments.*)

15. ADJOURNMENT

At this time, Chairman Hyatt adjourned the meeting. The next meeting of the Western Riverside County Regional Conservation Authority Board of Directors is scheduled for Monday, November 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