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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 Vice-Chairman Scott Miller at 12:33 p.m. Monday, November 4, 2013, in the Board Room of the Riverside County Administrative Center, 4080 Lemon Street, Riverside, California 92501.

2. PLEDGE OF ALLEGIANCE

Vice-Chairman Miller led the RCA Board Members and meeting attendees in a flag salute.

3. ROLL CALL

Board Members Present

Marion Ashley, *Riverside County District 5**
Kevin Bash, *City of Norco*
Ben Benoit, *City of Wildomar*
Roger Berg, *City of Beaumont*
Tim Brown, *City of Canyon Lake*
Maryann Edwards, *City of Temecula*
Debbie Franklin, *City of Banning*
Tom Fuhrman, *City of Menifee*
Mike Gardner, *City of Riverside*
Jim Hyatt, *City of Calimesa*
Kevin Jeffries, *Riverside County District 1*
Natasha Johnson, *City of Lake Elsinore*
Verne Lauritzen, *City of Jurupa Valley*
Scott Miller, *City of San Jacinto*
Jesse Molina, *City of Moreno Valley*
Eugene Montanez, *City of Corona*
Harry Ramos, *City of Murrieta*
Adam Rush, *City of Eastvale*
Jeff Stone, *Riverside County District 3*
John Tavaglione, *Riverside County District 2**
Mark Yarbrough, *City of Perris*

Board Members Absent

John Benoit, *Riverside County District 4*
Shellie Milne, *City of Hemet*

**Arrived after start of the meeting.*

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4. PUBLIC COMMENTS

MaryAnn Shushan Miller, of Murrieta, California, presented her experience and efforts in obtaining a lot split on their 30-acre property in Murrieta, including the billing requirements from property owners. She requested that the RCA Board revisit and address Resolution No. 06-05, *“Establishing Recovery of Costs for Joint Project Review (JPR), Criteria Refinement and Plan Amendments.”* (A written copy of Ms. Miller’s testimony was distributed to RCA Board Members and is on file at RCA offices.)

5. BOARD MEMBER ANNOUNCEMENTS

- 1) Mark Yarbrough announced that on November 9, 2013 at 10:00 a.m., the City of Perris is hosting their 9th Annual Veterans’ Parade. The parade will start at 7th and D Streets and finish at the City Hall grounds. In addition, military banners will be on display representing those that are currently serving. He extended an invitation to support and participate in the event.
- 2) Jesse Molina informed the RCA Board of *Amazon.com’s* plan to open a new 1.2 million sq. ft. fulfillment center in Moreno Valley. The project is being built as a joint venture by Tramwell Crow Company and Clarion Partners. The *Amazon.com* center will open next year and is expected to provide 1,000 full time jobs.

Board Member Molina continued and said that on November 11, Veterans’ Day, at 3:30 p.m., the City of Moreno Valley will be recognizing the community service of Moreno Valley men and women. The keynote speaker is Ret. Brigadier General James Mellon, who led the 452nd Airborne Mobility Wing at March Air Reserve Base from 2006 to 2010.

6. ADDITIONS/REVISIONS

There were no additions/revisions to the agenda.

7. APPROVAL OF MINUTES

M/S/C (STONE/HYATT) to approve the minutes of the September 2, 2013, as submitted.

8. CONSENT CALENDAR

M/S/C (GARDNER/EDWARDS) to approve the following Consent Calendar items:

- 8.1 WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP) LOCAL DEVELOPMENT MITIGATION FEE COLLECTION AND CIVIC/INFRASTRUCTURE CONTRIBUTION REPORT FOR SEPTEMBER 2013

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Receive and file the Western Riverside County Multiple Species Habitat Conservation Plan Local Development Mitigation Fee and Civic/Infrastructure Contribution Report for September 2013.

8.2 FISCAL YEAR 2013 DEVELOPMENT IMPACT FEE ANNUAL ACCOUNTING REPORT

Receive and file the Fiscal Year 2013 Annual Development Impact Fee Accounting Report.

8.3 FISCAL YEAR 2014 FIRST QUARTER CONSULTANT REPORTS

Receive and file the Fiscal Year 2014 First Quarter Consultant Reports.

8.4 FISCAL YEAR 2014 FIRST QUARTER CONSULTANT REPORTS FOR DAVID KENNETT, CAPITOL ALLIANCE CONSULTING, AND DOUGLAS P. WHEELER, HOGAN LOVELLS US LLP

Receive and file the Fiscal Year 2014 First Quarter Consultant Reports for David Kennett, Capitol Alliance Consulting, and Douglas P. Wheeler, Hogan Lovells US LLP.

9. CRITERIA REFINEMENT PRESENTATION

Laurie Dobson Correa, Director of Reserve Management and Monitoring, briefed the RCA Board on the background and definitions of criteria refinement. She said that the information needed for projects initiated by a Local Permittee on behalf of private entities are: 1) Definition and description of the planning area for the project; 2) Available biological information for the project site; 3) Consistency with the MSHCP criteria and explanation of rationale why consistency is infeasible; 4) Qualification and characterization of effects/benefits of the project on habitats, species, and overall MSHCP conservation area design and function (including relation to identified core areas, linkages and constrained linkages). All criteria refinement requests need to prepare equivalency analysis on the effects of habitats, covered species, core areas, linkages, constrained linkages and non-contiguous habitat blocks, conservation area configuration and management, ecotones, provide equivalent or greater acreage contributed to the MSHCP conservation area, and demonstrate control over mitigation property being offered under the equivalency analysis. She then showed on a map the location of the two criteria refinements that were undertaken – Ironwood Property and Warm Springs Property. Since 2006 four criteria refinements have been proposed, but not completed. There are two criteria refinements by private developers in process.

In response to Kevin Jeffries question if RCA consults with the cities on the property(s) impacted by the criteria refinement process, Laurie Correa said that criteria refinements in cities would actually be proposed by the respective city so they are aware. In cases where it is an RCA criteria refinement proposal, the RCA is required to notify the affected

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permittee about the changes whether it is conservation that is going to be added or removed.

Jim Hyatt mentioned a criteria refinement in Calimesa and that there was a fee for the process. He asked who notifies the involved parties when it is proposed by a developer, and Laurie Correa said that it would be the entity that proposed the criteria refinement which is the permittee or RCA that would be responsible for the notification of all involved.

In response to Jim Hyatt's question with regard to the cost for the two completed criteria refinement projects, Laurie Correa said that the Ironwood Property was completed prior to her RCA time. There was a fair investment of time for the Warm Springs property process that included analysis, write up, and the landowner-prepared surveys to support the analysis.

The RCA Board determined to receive and file the report on criteria refinement.

10. OVERVIEW OF THE MINOR AND MAJOR AMENDMENT PROCESS

Michelle Ouellette, Legal Counsel – Best, Best & Krieger, LLP, stated that although amendments to the Multiple Species Habitat Conservation Plan (MSHCP) are not routinely anticipated, there are certain events that may trigger a minor or major amendment. Modification or amendment to the MSHCP may be pursued by any signatory to the Implementing Agreement (IA). She said that amendments are not required for changes relating to clerical, land use or adaptive management activities as the effect on covered species, level of take and Permittees' ability to implement the MSHCP are not significantly different than those described in the MSHCP as originally adopted. She then reviewed the circumstances wherein a minor amendment process may be applied and the procedure to follow for a minor amendment. A major amendment is defined as follows: 1) Any amendment that is not a minor amendment; 2) Changes to the boundary of the MSHCP Plan Area; 3) Addition of species to the Covered Species list; 4) Changes in anticipated Reserve Assembly or funding strategies and schedules that would have substantial adverse effects on the Covered Species; 5) Changes to Conservation Area boundaries that are inconsistent with § 3.0 and 6.5 of the MSHCP; and, 6) Interpretations of criteria that are inconsistent with § 3.0 and 6.5 of the MSHCP.

Mark Yarbrough noted that in Ms. Miller's testimony she listed 32 prohibitive conditions, and he asked if negotiated, would they be considered a minor or major amendment. Michelle Ouellette stated that one of her concerns related to the process for which would not be a minor or major amendment, but rather relates to an internal RCA administrative change.

Charlie Landry, Executive Director, added that the concerns appear to be either policy issues or internal RCA process.

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Tim Brown asked who the participating Wildlife Agencies are and asked if the Minor and Major Amendment presentation could be made available on-line. Michelle Ouellette said that the Wildlife Agencies include the regulatory agencies - U.S. Fish and Wildlife Service (federal), Department of Fish and Wildlife (state). She will work with RCA staff to post the presentation on-line.

Jesse Molina spoke of sightings in Moreno Valley of brown bears that are considered endangered species and wild burros that are not endangered. He asked if adding or removing from the list of endangered species is major or minor amendment.

Michelle Ouellette said that to add to the list of endangered species would require a major amendment. They will be glad to look at an analysis on the wild burros.

Harry Ramos voiced his concern about No. 8 definition, listed under the Minor Amendment presentation, *Subsequent minor changes which are not specifically listed in the IA that the Wildlife Agencies have determined to be insubstantial and appropriate for implementation as a Minor Amendment*, and may be used to circumvent the position of the RCA Board with the agreement of the Wildlife Agencies and becomes a major amendment. He asked who makes the determination of whether a proposal is a minor amendment.

Michelle Ouellette said that determination is made by RCA staff with legal counsel input and review, and if needed, forwarded to the Executive Committee. She added that minor amendments are minimal and do not come up often. She clarified that the major amendment focuses, in large part, on biological impacts which is more of the protection for the Wildlife Agencies as compared to the minor amendment which is procedural or administrative in nature. It would be rare that the RCA Board would undergo a major amendment as it is very costly and time consuming with large litigation risks.

Adam Rush stated that he is interested in the outcome of the analysis on the wild burros. With respect to a major amendment occurring through unforeseen events, he asked if RCA has segregated funding to use such as Section 6 grants, etc. Charlie Landry said that the only source of funds for this purpose is RCA's own revenues.

In response to Roger Berg with regard to removing specie on the endangered list with the federal agencies having already done analysis if additional study would need to be performed, Michelle Ouellette said that it depends on whether the specie is on a very small area and by removing it would not result in a number of impacts. Analysis of the federal and state wildlife agencies could be used and, in addition, RCA will need to change some conservation obligations and requirements in the Plan.

Tim Brown asked about adding to the endangered species and if this is administrative in nature. Michelle Ouellette iterated that this action would require a major amendment and that no specie has been added to the list since the implementation of the MSHCP in 2004.

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Charlie Landry said that there is coverage for 146 species, of which 33 are listed as endangered species. The remaining species are covered in the event that the species become listed as endangered species. The additional species did not require RCA to have to acquire additional acreage, and RCA would not be obligated to do so if any of the additional species were listed. There have been no species added administratively as they were already on the list.

Jesse Molina asked if the specie must be native to the State for which it originated from, and Michelle Ouellette said that there are some circumstances there are some certain distinct population segments where they are present in certain time of the year but normally they are native insects, plants and animals.

Responding to Harry Ramos' question whether the remaining 113 endangered species on the list are treated and protected in the same fashion as the 33 identified species and the cost associated, Michelle Ouellette said that the protections were set forth when the Plan was written and approved. She noted that although there are additional 113 species on the list, there is a tremendous amount of overlap in habitat and it does not mean that each species has to have its own particular habitat. Just because many of the species are not listed does not mean that they are not considered as rare or sensitive. One of the huge benefits of the RCA Plan for the property owners and for the cities/county is that if they comply with the MSHCP, they have mitigated for their biological impacts under CEQA. This is important recognizing that opponents to a particular project will use CEQA to stop a project. This Plan meets the requirement to be in compliance with CEQA and the Migratory Bird Treaty Act. CEQA has greater protection than the endangered species.

Charlie Landry stated that there is no additional cost associated with the remaining 113 endangered species on the list.

Chairman Ashley thanked Michelle Ouellette for the informative presentation and the members of the Board for the questions.

11. EXECUTIVE DIRECTOR'S REPORT

11.1 Loan Program

Charlie Landry reported on the status of the proposed loan program. Language of the proposed loan program is included in the Senate version of the Water Resources Development Act (WRDA). The House has passed its own Water Infrastructure Finance and Innovation Act (WIFIA) which does not include the provision. However, it is highly likely that the provision will be included because there does not appear that there are opponents to the provision. The proposal has support from the industry, and staff will monitor and provide updates to the RCA Board.

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Kevin Jeffries said that if a member of the legislature will draft a proposal for water parks and wildlife bond, part of the proceeds should be dedicated for land acquisition in Riverside County. Charlie Landry said that staff will monitor the State proposal and is working and continues to work with the California Habitat Conservation Agencies.

Tim Brown spoke about the importance of the Delta Water bonding and is against any efforts that would derail this bonding effort.

12. LAND ACQUISITION UPDATE

Brian Beck, Land Acquisition Analyst, reported that since the last RCA Board meeting, five properties totaling approximately 162 acres were added to the reserve, bringing the reserve total to 46,763 acres.

13. ITEMS FOR NEXT MEETING

At this time, Chairman Ashley adjourned the RCA Board meeting to Closed Session

Steve DeBaun, Legal Counsel – BB&K, announced the following Closed Session item.

14. CLOSED SESSION ITEM

14.1 CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to Government Code Section 54956.8

Negotiating Parties: RCA – Executive Director or Designee

Under Negotiation: Price/Terms

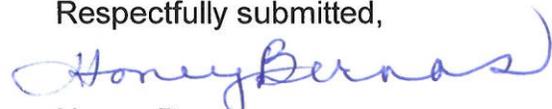
Item	Assessor Parcel No.	Property Owner
1	480-170-010	Winchester Road, LLC

After Closed Session, Chairman Ashley reconvened the meeting. There was no announcement from the Closed Session item. With no other items before the RCA Board, the meeting was adjourned.

15. ADJOURNMENT

The next meeting of the Western Riverside County Regional Conservation Authority Board of Directors is scheduled for Monday, December 2, 2013, 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