

# **AGENDA ITEM NO. 7**

**MINUTES**  
**April 6, 2015**



## MEETING MINUTES

### 1. CALL TO ORDER

The meeting of the Western Riverside County Regional Conservation Authority was called to order by Vice Chairman Eugene Montanez at 12:32 p.m. on Monday, April 6, 2015, in the Board Room of the Riverside County Administrative Center, 4080 Lemon Street, Riverside, California, 92501.

### 2. PLEDGE OF ALLEGIANCE

Board Member Kevin Bash led the RCA Board Members and meeting attendees in a flag salute.

### 3. ROLL CALL

#### Board Members Present

#### Board Members Absent

<p>George Moyer, <i>City of Banning</i>            Mark Orozco, <i>City of Beaumont*</i>            Jeffrey Hewitt, <i>City of Calimesa</i>            Tim Brown, <i>City of Canyon Lake</i>            Eugene Montanez, <i>City of Corona</i>            Clint Lorimore, <i>City of Eastvale</i>            Linda Krupa, <i>City of Hemet</i>            Verne Lauritzen, <i>City of Jurupa Valley</i>            Natasha Johnson, <i>City of Lake Elsinore</i>            Matt Liesemeyer, <i>City of Menifee</i>            D. LaDonna Jempson, <i>City of Moreno Valley</i>            Harry Ramos, <i>City of Murrieta</i>            Kevin Bash, <i>City of Norco</i>            David Starr Rabb, <i>City of Perris</i>            Andy Melendrez, <i>City of Riverside</i>            Scott Miller, <i>City of San Jacinto</i>            Ben Benoit, <i>City of Wildomar</i>            Kevin Jeffries, <i>Riverside County District I</i>            Chuck Washington, <i>Riverside County District III**</i>            Ella Zanowic, <i>Riverside County District V Alt.</i></p>	<p>Maryann Edwards, <i>City of Temecula</i>            John Tavaglione, <i>Riverside County District II</i>            John Benoit, <i>Riverside County District IV</i></p>
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\*Arrived after start of meeting

\*\* Departed before meeting adjourned

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### 4. PUBLIC COMMENTS

Vice Chairman Montanez called for public comments on items not listed on the agenda. There were no public comments.

Vice Chairman announced he had a request to speak on Agenda Item No. 11.

### 5. BOARD MEMBER ANNOUNCEMENTS

Board Member Krupa, announced that the City of Hemet had an opening ceremony for "Remembering our Fallen from California" which is a traveling memorial for 710 Californians who have died in combat or other military training related to the war on terrorism since September 11, 2001. The memorial will be on display at the Hemet Valley Mall through April 26. All are invited.

Chairman Montanez also commented that such memorial was on display in Corona two weeks ago and encouraged everyone to see it, as it is a very inspiring exhibit. He thanked the City of Hemet for hosting the exhibit.

Chairman Montanez welcomed RCA's newest Board Member, Third District Supervisor Chuck Washington.

### 6. ADDITIONS/REVISIONS

There were no additions or revisions to the agenda.

### 7. APPROVAL OF MINUTES

***M/S/C (ZANOWIC/KRUPA) to approve the minutes of the March 2, 2015 meeting of the RCA Board of Directors.***

***Ayes 16, Nays 0, Abstain 3 (Liesemeyer, Miller, Washington)***

8. **CONSENT CALENDAR** *(All matters listed under the Consent Calendar will be approved in a single motion unless a Board Member requests separate action on specific Consent Calendar item. The item will be pulled from the Consent Calendar and placed for discussion.)*

***M/S/C (BENOIT/ZANOWIC) to approve the following consent calendar items:***

***Ayes 19, Nays 0***

**8.1 WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP) LOCAL DEVELOPMENT MITIGATION FEE (LDMF) COLLECTION AND CIVIC/INFRASTRUCTURE CONTRIBUTION REPORT FOR FEBRUARY 2015**

Overview

This item is for the RCA Board of Directors to receive and file the Western Riverside County MSHCP LDMF Collection and Civic/Infrastructure Contribution Report for February 2015.

**8.2 NON-DEVELOPMENT HANS FUNDING LEVEL FOR FISCAL YEAR 2016**

Overview

This item is for the RCA Board of Directors to direct staff to continue set aside no more than three percent (3%) of Western Riverside County Multiple Species Habitat Conservation Plan Local Development Mitigation Fees received for FY2016, effective July 1, 2015, to purchase Non-Development HANS properties under Section 1.13 of the Land Acquisition Priorities.

**9. RESOLUTION NO. 2015-003 RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY ADOPTING A STATEMENT OF INVESTMENT POLICY**

Overview

This item is for the RCA Board of Directors to adopt Resolution No. 2015-003, *A Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Adopting a Statement of Investment Policy*.

Steve DeBaun, RCA General Counsel, Law Offices of Best Best & Krieger. Counsel explained that every public agency is required to adopt an investment policy which shall be updated periodically. The County Treasurer acts as the Treasurer for the RCA, and the County's investment schedule was incorporated into the RCA policy to help assure consistency between the agencies. The County Treasurer has reviewed and approved the policy before the Board. He explained the minor updates to the policy and advised that staff requests that the changes listed be incorporated in the RCA's policy by approval of this resolution.

**M/S/C (MOYER/JEMPSON) to approve Agenda Item No. 9**

**Ayes 19, Nays 0**

## **10. MSHCP WILDLIFE CORRIDORS PRESENTATION**

### Overview

Laurie Correa, Director of Reserve Management and Monitoring, presented an overview of wildlife corridors (linkages) planned for the Western Riverside County Multiple Species Habitat Conservation Plan.

Laurie Correa gave a brief overview of wildlife corridors and how they work in the plan and what the different types are. She explained that there are 18 proposed linkages and 24 proposed constrained linkages.

She defined the terms “linkage” and “constrained linkage” and explained their differences. She presented six maps with legends, indicating where existing and proposed linkages and cores are located.

She further stated that the goal is to connect existing and proposed reserves, which will aid in wildlife movement and genetic connection between the reserves. Reserves can become genetically isolated, so it's good to keep population flow amongst them. She gave several examples of linkages and their history, along with a list of species supported in each linkage. She further explained how to connect reserves when it comes to crossing highways and flood channels. She commented on how negotiations are needed with several network partners and land owners to obtain the necessary connections needed in the reserves.

Board Member Brown asked if there is a prioritization of linkages and which ones are the most important. Laurie answered that prioritization is based on where the development pressure is; areas that have the most development pressure would be highest priority. Charlie Landry clarified that RCA has to preserve all of the linkages.

Vice Chairman Montanez stated that according to the Plan, RCA can't legally give up any linkages. To do so would require an amendment. Charlie Landry confirmed that the Plan would have to be reopened.

Board Member Lorimore thanked Laurie for the presentation. He asked where the proposed areas for the new linkages next to Pechanga are located. Laurie answered that it has not been finalized yet due to pending acquisitions and development approvals. He asked how large the linkage under Highway 15 is. Laurie responded that the size has not been determined yet, but in order to accommodate a mountain lion, the corridor would have to be at minimum 15 feet. Lorimore further asked for clarification if one of the 18 linkages was completed. Laurie explained that Linkage A (BLM Land) is considered the Existing Linkage.

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Vice Chairman Montanez encouraged Board Members to obtain an electronic copy of the maps, because each one of the cities is affected differently and staff would be happy to answer specific questions.

### 11. **RESOLUTION NO. 2015-004 RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY AUTHORIZING THE TRANSLOCATION OF A POPULATION OF SAN DIEGO AMBROSIA**

#### Overview

This item is for the RCA Board of Directors to:

- 1) Adopt Resolution No. 2015-004, *Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Authorizing Translocation of a Population of San Diego Ambrosia*; and
- 2) Approve the budget adjustments contained in the attached Exhibit A

Vice Chairman Montanez made sure that all Board Members had received a copy of the letters from U.S. Fish and Wildlife Service and CA Department of Fish and Wildlife regarding this item.

Charlie Landry, Executive Director, stated that in January 2015, the County Board of Supervisors adopted a resolution which was a Notice of Intention to Exchange Real Property in the City of Lake Elsinore to convey 48 acres of vacant land to Castle & Cooke, in exchange for the conveyance by Castle & Cooke of 49 acres of vacant land adjacent County-owned property. The County acquired the 548 acre parcel, which is south of Interstate 15 between Lake Street and Nichols Road as part of an acquisition for conservation in 2004. As part of this acquisition, the County entered into a Temporary Operations and Maintenance Easement Agreement, dated December 2004 with TT Group. Pursuant to the terms of this agreement, the county recorded permanent slope easements and is obligated to maintain the manufactured slope areas upon the completion of certain work. This land will eventually come to RCA from the County, and currently as written on this agreement, the successor agency, which would be RCA, would then be dealing with these slopes easements as this land is improved and built on. Because of that, the City of Lake Elsinore and County of Riverside have requested RCA's assistance in relocating San Diego ambrosia, a federally endangered plant and MSHCP covered species. The small population of San Diego ambrosia is one of three known locations for this specific plant. The locations are not very big. Staff is proposing to transplant the ambrosia once the land exchange agreement between

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the County and Castle & Cooke is finalized. RCA will use Dudek to translocate the population to preserve it. The cost estimate to translocate the San Diego Ambrosia is \$130,000. Additionally, to meet the requirements of translocation, a monitoring and maintenance program is required. This is a ten year program cost of \$20,000 per year. This is a public benefit, as it will protect the San Diego ambrosia from being destroyed. As part of the land exchange, the slope easement will be extinguished, and then the County will deed the property to RCA for reserve land. Dudek is qualified to perform these services. The current Dudek contract will cover the cost of relocation.

Vice Chairman Montanez asked for any comments of Board Members.

Board Member Brown asked what the trade/exchange is for. Charlie answered by explaining that there is a slope easement and over time that slope easement will cost the County and RCA (being the successor agency) and help to save significant dollars. Castle & Cooke will do a land swap, and with that swap, the slope easement will be extinguished, adding to significant cost savings.

Karin Cleary-Rose, from U.S. Fish and Wildlife Service, addressed the RCA Board. She summarized the concerns contained in the letter dated April 6, 2015 from the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife. A representative from the California Department of Fish and Wildlife could not be present at this meeting. She pointed out that the MSHCP already accomplished the conservation of this population of San Diego ambrosia and that the land that is being considered for the exchange was purchased with MSHCP Mitigation fee monies. She further stated the land exchange is potentially between the land owner (County of Riverside) and potential new land owner, a developer named Castle & Cooke. The RCA isn't really involved in that part of it. The decision before the Board is to decide whether or not fund the translocation. Because that land was purchased with MSHCP mitigation fee ordinance money, that means the MSHCP already paid for the conservation of that population. So by having the RCA use the monies that it has, mitigation fees it got from Participating Special Entities, to pay for this translocation, the MSHCP would be basically paying for the conservation of this population of plants twice. The Wildlife Agencies are concerned about that decision. They are concerned about the trade out of existing conservation lands, lands paid for by the MSHCP mitigation fee, for commercial development, which they find very alarming. The pressure to make decisions like this, as the Plan moves forward and the County develops more, will increase not decrease. She is worried about holding that line. The big concern at this moment is first the trade out is not done, so this Board has ample opportunity in the future should it so choose to entertain this again. If the trade out does happen, then the Board can decide whether or not it's appropriate. Her biggest point is that if the County or the City, who will receive the benefits of the commercial development

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proposed, or the land owner benefits from the trade, then they should be bearing the cost.

Board Member Johnson stated that she has spent a lot of time looking into who this really benefits, and it's not about who benefits, but it's in line with keeping the integrity of the Plan in place. This is not about a Permittee, a developer or even the city, it's about RCA keeping the integrity of Plan. It's a covered species located in one of three sites. Mitigation Fee monies were not used to purchase the property. It was open space funding. Board Member Johnson stated that with respect to the U.S. Fish and Wildlife Service and Ms. Cleary-Rose, it's really not up to their agency to tell RCA how to spend their funds when they are trying to keep the Plan and the integrity of the Plan in place. That is what the RCA is doing. It is protecting a species. The developer is going to do what the developer wants; this is not for commercial development. She further stated that it's a little confused and convoluted, but at the end of the day, there is not a conservation easement on the property right now, and this is a win-win for the County, RCA and the good work that has been done. She sees it as a huge benefit.

Board Member Miller commented that it's clear to him that RCA is staying to the Plan not, deviating from the Plan. With regard to the money that would be used to translocate the population, the savings would overcome what would be spent for the translocation of the population. Charlie Landry answered that this unique situation where you have slope easements that are out there and someone has to deal with, either the County or RCA. Regardless, the issue has to be tackled. Those slope easements will have a cost to them over time so there is a trade out.

Board Member Jeffries stated it has taken two years and four months to get this negotiated and accomplished. County staff had informed him when he first came into office that the estimated cost for slope maintenance could reach from time to time upwards of \$200,000 per year to keep this in the conservation area. Working with the RCA, City of Lake Elsinore and County staff, they came up with a proposal that does not authorize any particular construction or development of any commercial or residential activity. This item is not about development. It's about trying to do the right thing with an existing conserved area, minimize the cost, and shift those responsibilities appropriately to reduce the burden going forward on maintaining the conservation land. This has been an incredibly complex negotiation. Dan Silver from Endangered Habitats League has assisted in providing counsel trying to make the best of this situation. It is believed that has been reached. The objections today are the same objections heard from the beginning and do nothing to cooperate with anyone. A very good proposal has been put together, and the RCA staff is to be commended for their work in assisting with this effort, which he believes is a great idea. There has been a lot of discussion regarding acquiring lands and moving boundaries around a little bit going forward in order to make the best of the lands available and conserving the

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most. This is part of that concept of making the best of the situation and avoiding some future costs while preserving endangered plants and protecting the open space.

Vice Chairman Montanez thanked everyone involved and stated that there was much discussion on this item at the Executive Committee meeting.

*(During public comment, at 1:00 p.m., Board Member Orozco arrived and Board Member Washington departed.)*

**M/S/C (JEFFRIES/JOHNSON) to approve Agenda Item No. 11.**

**Ayes 18, Nays 1 (Bash)**

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

#### **12.1 Loan Program Update**

Charlie Landry, Executive Director, stated RCA has been trying to reintroduce legislation. Senator Feinstein and Congressman Calvert have both agreed to do the stand alone legislation. Senator Feinstein has asked for Republican support from the senate side to co-sponsor this legislation. RCA is in discussions with staff from the office of Senator Lisa Murkowski from Alaska (R) seeking her support. When support is confirmed, staff expects this legislation will be reintroduced.

### **13. LAND ACQUISITION UPDATE**

Charlie Landry, Executive Director, informed Board that RCA staff closed on one property, bringing the total reserve land to just under 49,000 acres.

### **14. ITEMS FOR NEXT MEETING**

Board Member Bash gave update on solar panels at Lake Norconian. The Navy is proceeding with this project. The City of Norco has taken the position of opposing it. The 200 plus bird species within 50 yards of this lake is inexcusable. The City has not been able to garner much support. He stated that according to the city's attorneys, there is an active agreement in place with the U.S. Fish and Wildlife and the California Department of Fish and Wildlife. The City of Norco is awaiting an Admiral's response. He further stated that the city feels saving \$65,000 a year and placing a lake such as this at risk isn't worth it, and \$1.3 million over 20 years is not worth it. He further stated that the city's

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environmentalist said the birds will not die above the panels. They will do a nose dive at the Norco College Quad.

**15. ADJOURNMENT**

The next meeting of the Western Riverside County Regional Conservation Authority Board of Directors is scheduled for Monday, May 4, 2015, at 12:30 p.m., at the County of Riverside Administrative Center, Board Room, 4080 Lemon Street, Riverside, California.

Prepared by:



Rose Esparza  
Administrative Manager

Respectfully submitted:



Honey Bernas  
Clerk of the Board