

# **AGENDA ITEM NO. 7**

**MINUTES**  
**March 7, 2016**



## **MEETING MINUTES**

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

The meeting of the Western Riverside County Regional Conservation Authority was called to order by Chairman Montanez at 12:30 p.m. on Monday, March 7, 2016, in the Board Room of the Riverside County Administrative Center, 4080 Lemon Street, Riverside, California, 92501.

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

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

### **3. ROLL CALL - Taken by Rose Esparza, RCA Administrative Manager.**

#### **Board Members Present**

#### **Board Members Absent**

<p>George Moyer, <i>City of Banning</i>            Jeffrey Hewitt, <i>City of Calimesa</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>            Bob Magee, <i>City of Lake Elsinore (Alternate)</i>            Matt Liesemeyer, <i>City of Menifee</i>            D. LaDonna Jempson, <i>City of Moreno Valley</i>            Jonathan Ingram, <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>            Crystal Ruiz, <i>City of San Jacinto</i>            Maryann Edwards, <i>City of Temecula</i>            Ben Benoit, <i>City of Wildomar</i>            Kevin Jeffries, <i>Riverside County District I</i>            John Tavaglione, <i>Riverside County District II</i>            Chuck Washington, <i>Riverside County District III</i>            Marion Ashley, <i>Riverside County District V</i></p>	<p>Brenda Knight, <i>City of Beaumont</i>            Tim Brown, <i>City of Canyon Lake</i>            John Benoit, <i>Riverside County District IV</i></p>
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### **4. PUBLIC COMMENTS**

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

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

Board Member Bash stated that he considers it an honor to sit on the RCA Board. He stated that he has been serving on commissions for several years and remembers the days when it was very difficult to build things until the RCA came about. He is proud of the fact that RCA is saving wildlife corridors in areas for future generations. What RCA does is important.

Board Member Bash stated that Lake Norconian is one of the last migratory bird sites in the City of Norco. There are 1,200 species that migrate on and off the lake. The City of Norco is very supportive of the U.S. Navy. However, the Navy wants to install a sea of solar panels in proximity to the lake. When the Navy began this project, announced that their environmental impact study would find no impact. The City of Norco is not pleased with the fact that within a half mile of 1,200 various birds, the Navy finds that there will not be an impact. The Navy has already taken care of the carbon footprint by largest purchase of solar energy in the history of the military that literally covers that footprint. This will save \$65 thousand per year, which equates to nothing. It is upsetting in that it will cost taxpayers a lot more, and it is a political move. He wants to make the public aware that the U.S. Navy states this will not impact those birds. Even children know that is not true. He stated that the carcasses that slam into the solar panels because they do not know it is not a lake will be picked up before the coyotes take them. He advised that the Norco City Council is upset and will take the matter up at their next meeting. It has nothing to do with patriotism. There is an anchor in the middle of the City's memorial. Board Member Bash is of the opinion that this is wrong, especially given that others must go through the environmental impact process.

Chairman Montanez thanked Board Member Bash for bringing this awareness to the RCA Board.

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

Michelle Ouellette, General Counsel, announced that under Agenda Item 15.1, the second noted case (MCC1300351 JPR vs. California Department of Fish and Game) was pulled from the agenda due to ongoing settlement negotiations. She further stated that this case will be placed on the agenda next month.

7. APPROVAL OF MINUTES – February 1, 2016

*M/S/C (INGRAM/ASHLEY) to approve the minutes of the February 1, 2016 meeting of the RCA Board of Directors.*

*Ayes 17, Nays 0, Abstain 3 (MAGEE, RABB, KRUPA)*

8. CONSENT CALENDAR

*M/S/C (KRUPA/MOYER) to approve the Consent Calendar Agenda Item Nos. 8.1, 8.2, AND 8.3*

*Ayes 20, 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 JANUARY 2016**

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 January 2016.

**8.2 RESOLUTION NOS. 2016-004 AND 2016-005, RESOLUTIONS OF THE BOARD OF DIRECTORS OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY APPROVING THE PURCHASE OF TAX DEFAULTED PROPERTY FROM THE RIVERSIDE COUNTY TREASURER-TAX COLLECTOR'S OFFICE**

Overview

This item is for the RCA Board of Directors to adopt Resolution Nos. 2016-004 and 2016-005, *Resolutions of the Western Riverside County Regional Conservation Authority Approving the Purchase of Tax Defaulted Property from the Riverside County Treasurer-Tax Collector's Office.*

### **8.3 FISCAL YEAR 2016 SECOND QUARTER FINANCIAL REPORT**

#### Overview

This item is for the RCA Board of Directors to:

- 1) Receive and file the Fiscal Year 2016 Second Quarter Financial Report;
- 2) Approve the budget adjustment contained in Exhibit A; and
- 3) Authorize the Chairman to direct the Auditor-Controller to make the budget adjustment contained in Exhibit A.

### **9. PRESENTATION REGARDING WILDLIFE CORRIDORS AND TRAILS**

Laurie Dobson Correa, Director of Reserve Management and Monitoring, presented an overview of the Western Riverside County MSHCP Wildlife Corridors and Trails. Wildlife corridors are an important component of the Plan. The Plan is based on core areas and linkages that connect them.

She explained the Plan differs from the Stephens' kangaroo rat plan which is focused on cores that were not connected. The Stephens' kangaroo rat is a smaller species and is genetically identical amongst the cores. Therefore, the connections between the cores and maintaining genetic diversity was not as critical for that species.

Because the MSHCP has 146 species and genetic diversity is important and the connection between the core areas is important, the Plan has a number of connections. She explained that there are 20 existing cores and extensions, seven new cores, proposed linkages (there is one existing) and 18 proposed, and five existing and 24 proposed constrained linkages. She stated that the difference between linkages and constrained linkages is really about size. Linkages are meant to be live-in. They are meant to be large enough that animals can live and breed, but can also move between core areas. Constrained linkages are constrained by existing development or streambed based and naturally constrained. They are meant to focus on moving between core areas.

She presented an overview of the Existing Core Reserves and Extensions, New Core Reserves, Existing and Proposed Linkages, and Existing and Proposed Constrained Linkages. She presented several maps showing Cores and Linkages and their relation to surrounding properties.

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Laurie Correa advised that she selected a few existing linkages and constrained linkages to give the Board an overview of what different corridors are like. She gave an overview of Existing Linkage A, Linkage 7, 9, 16 and 23. She identified species within each Live-In Linkage and Movement Linkage. She reviewed the topography of each linkage and how the surrounding areas affect the species. She discussed population of species within each linkage. She pointed out the properties where acquisitions are taking place that will enhance the connections of one linkage to another. She added that Constrained Linkage 23 (Bogart County Park in Cherry Valley and San Timoteo Creek) was added for the benefit of the City of Calimesa who requested the presentation.

Board Member Edwards stated that there are undercrossings on Interstate 15 between the ecological reserve on the west and the Pechanga reservation land on the east. She stated that there is videotape of some animal crossings, but not sure if RCA had any documented mountain lion crossings. Laurie Correa stated that she is not aware of any. Board Member Edwards stated that mountain lions have been sighted in the mall parking lot and at Old Town. She questioned the effectiveness of undercrossings and the requirement for Caltrans to add more undercrossings. She stated that the undercrossings are costly and asked if they should still be required if the mountain lions are not using them. Laurie Correa answered to say that the only existing large mammal crossing at Interstate 15 is the Temecula Creek Bridge. Cameras have captured crossings of every species but mountain lions. Dr. Vickers' work collaring mountain lions in the Santa Ana mountains, indicates that they go up to the crossings, but they are not crossing. There are a lot of reasons the mountain lions are not crossing. Albeit some of those reasons are speculative, they are not unreasonable. One reason is that a lot of people use the Temecula Creek Bridge undercrossing and there is development in close proximity on the east side. The feeling amongst the agencies, including Dr. Vickers, is that the crossing is too busy and extremely noisy. There is interest in other locations on each side so that there is a connection. She summed up her answer by saying that she is not in a position to give up on crossings. Undercrossing are expensive and RCA needs to remain cognizant that money is not being spent where there is no return. RCA has evidence of use in other areas, particularly of bridge crossings in other areas. Board Member Edwards stated that she finds it fascinating that a mountain lion was comfortable going down Mercedes street within 150 feet of people, yet the will not go through the tunnel.

Chairman Montanez mentioned the research that was done on Highway 241 because of the same issues. He stated that it's his assumption that all agencies that have similar issues regarding crossings communicate. Laurie Correa answered to say that Dr. Vickers worked extensively with the Transportation Authority on the wildlife fencing on segments of Highway 241. She stated that mountain lions were using 241, and they were using the undercrossings, but because there is not development on both sides of Highway 241, they were equally as likely to go across the freeway. There was a lot of

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road kills in the area, and that was the reason for the fencing. Mountain lions will move where the habitat and crossings are suitable for them. They will take the path of least resistance.

Board Member Jeffries asked for clarification regarding the difference between existing and proposed linkages. He asked if staff was proposing developing a new overlay and constraints. Laurie Correa stated that her first example an existing linkage, an existing piece of BLM land. She stated that all other linkages in the Plan were technically called proposed linkages, but those are all linkages that were approved as part of the Plan. There are no new overlays occurring.

Board Member Hewitt thanked Laurie Correa for her presentation, which he requested. He stated that the core areas connect one area to another area. He asked if, from a biological sense, the biggest advantage to have these corridors is so that animals exchange genetic material and the genome becomes bigger and animals become more robust. Laurie Correa answered yes and added that maintenance of genetic diversity is the critical reason for having corridors. His second question was regarding trails. He stated that the City of Calimesa has a lot trails. He asked if trails that are used by bicyclists, equestrians and pedestrians, as opposed to a paved streets, somewhat help the animal movement. Laurie answered that it's not uncommon for animals to use existing trails or dirt roads as long as they are not exposed while traveling it. Prey animals tend to use trails less than predators. She further stated that a high use trail would deter wildlife use.

Board Member Liesemeyer asked if Linkage 8 going east is a proposed linkage. Laurie Correa answered that it is an approved linkage under the Plan. She stated that she does not want to be misleading about proposed linkages. He asked what is proposed to get across I-215, and how the linkage will be supported. Laurie Correa said there is an existing culvert under I-215. Charles Landry, Executive Director, stated that the culvert is approximately a 5 x 5 box. Laurie Correa stated that the challenge is Antelope Road, the parallel road which has not been improved yet. There has been a discussion with the City of Murrieta associated with the Keller Road Interchange because the City will have frontage road improvements. It is not clear if the improvements go far enough south to affect that area. The challenge to any linkage would be getting the crossings under the road that are adequately sized for whatever the planning species is. Under I-215, the crossing is adequate. The largest planning species for that linkage is bobcat. All of the other species are amphibian.

For clarification purposes, Charles Landry added that if a road project will affect a linkage, the linkage will have to be addressed as part of the process. If there is no affect, as with the widening of I-215 where the widening did not extend beyond the current right-of-way and additional lanes were placed in the median, the MSHCP was not triggered so the size of this linkage did not have to be addressed. Should there be

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another future project, then the linkage would have to be addressed as part of the Caltrans/RCTC package. Laurie Correa stated it could also be a private project that has frontage or off-site road improvements.

Chairman Montanez now called for public comment on this item. He called up Joyce McIntire.

Joyce McIntire, Mayor Pro Tem of Calimesa, thanked the Chairman and RCA Board for the opportunity to speak and commended Laurie Correa for her presentation. She stated that connectability wildlife corridors are very important. She began working on the first trails map in Calimesa in 1990. She then began working on the wildlife corridors in 2000. She presented a yellow triangle sign entitled "City of Calimesa Wildlife Corridors" that was featured in the Press Enterprise in 2004. The subject of Calimesa corridors went all the way back to Washington, D.C., a fact which Calimesa is very proud of. She stated that corridors are very important and it appears that the RCA has addressed corridors to some extent. She made reference to a study in Germany on the corridor issue "if you build it, will they use it," and it does work. They gave the City of Calimesa a presentation that was very interesting, and the way they build under and overpasses for the wildlife is very good. She stated that another issue related to wildlife corridors is poison and pesticides. The City of Calimesa discussed this topic and what distance from wildlife corridors should people use pesticides and poisons, which kills a lot of wildlife. On the topic of busy trails, she stated that in Wildwood Canyon at the State Park there is one main trail. The bears, bobcats and mountain lions do use the trail. She has seen them and their footprints while out riding.

Mayor Pro Tem McIntire made reference the City of Norco's discussion regarding the Navy. She stated that her uncle was commander of the Navy, and her cousin was in the Blue Angels. She stated that one of the biggest killers of wildlife is the Navy, the bases with their poisons. She stated that humans have to live together without hostility or conflict with wildlife and need to provide them a safe passage. She commended RCA for doing a great job on the wildlife corridors and purchasing land. She stated that people of the land in this are need to know that the ultimate test of "man's conscience may be his willingness to sacrifice something today for the future generations whose words of thanks will not be heard" quote by Gaylord Nelson.

Laurie Correa continued with the trails section of her presentation. She stated that public access is an important component of the Plan. RCA wants people to be able to go onto conservation land, enjoy it, feel ownership of it, and help RCA be aware of uses that might be degrading it.

The main goal of the MSHCP Conservation Area is to protect biological resources. Another primary objective is to provide recreational and educational opportunities. Covered public access uses within the Conservation Area are comprised of trails,

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trailheads, interpretive centers and maintenance facilities to support passive recreational activities. She explained that there are two types of trails in a Conservation Area: existing community trails and adopted regional trails.

She explained that there are no impacts associated with existing community trails. They are covered by the Plan and no improvements are expected. She presented maps showing MSHCP existing community trails and RCA Historic Trails.

The second type of trails is adopted regional trails. Covered activities on trails are hiking, mountain biking, and equestrian use. In addition to regional trails, three other types of public facilities are covered in the MSHCP Conservation Area; fourteen trailheads, five interpretive center, and four maintenance facilities.

She explained the guidelines for the siting and design of trails and facilities. Trails and facilities are sited and designed to be compatible with resource protection and in a manner that minimizes impacts to sensitive resources and habitat types covered by the MSHCP. All decisions relating to public access are made in a manner that is most protective of biological resources. Trails and facilities are located in the least sensitive areas of the Conservation Area so to avoid habitat occupied by species covered by the plan. There is no specific funding in the plan for trail construction or maintenance.

Chairman Montanez asked if there were any questions on the trail portion of the presentation. Seeing no questions, he thanked Laurie Correa for her presentation.

### **10. WESTERN RIVERSIDE COUNTY MSHCP LOCAL DEVELOPMENT MITIGATION FEE ANNUAL CPI ADJUSTMENT**

#### Overview

This item is for the RCA Board of Directors to:

- 1) Approve implementing the CPI adjustment for Western Riverside County MSHCP Local Development Mitigation Fees effective July 1, 2016; and
- 2) Direct staff to inform Member Agencies of this action.

Honey Bernas, Director of Administrative Services, reported that the MSHCP calls for an annual automatic CPI adjustment. All Member Agencies have adopted fee ordinances that reflect this requirement. In 2009, during the recession, staff brought forward the CPI adjustments to the RCA Board for discussion. At that time, the Board opted not to increase the fees. The Board opted not to increase the MSHCP fee for six years, from Fiscal Years 2010 to 2015. Last year the Board approved the CPI increase that raised the fees 0.73%, less than 1% over a seven year period. Based on the CPI

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increase from December 2014 to December 2015, MSHCP fees would increase 2.03% for next fiscal year. If approved, staff estimates the increase will generate approximately \$203 thousand of MSHCP fee revenue for RCA. The estimate is based on RCA receiving \$10 million in mitigation fees for the year. Staff and the Executive Committee recommend that the Board approve the adjustment and direct staff to advise the Member Agencies of this action.

Due to technical difficulties with the electronic voting system, Chairman Montanez called for a voice vote. After the voice vote Chairman announced that all are in favor, and those opposed Lake Elsinore, District 1 and Hemet and one abstention Eastvale

Board Member Jeffries called for a roll vote.

Rose Esparza, Administrative Manager, read back the vote, everyone in favor except for Lake Elsinore, District 1, and Hemet. She asked for confirmation of Eastvale abstaining.

Chairman Montanez said that Eastvale abstained and confirmed the vote as read by Rose Esparza.

***M/S/C (INGRAM/BASH) to approve implementing the CPI adjustment for Western Riverside County MSHCP Local Development Mitigation Fees effective July 1, 2016; and direct staff to inform Member Agencies of this action.***

**Ayes 16, Nays 3 (KRUPA/MAGEE/JEFFRIES), Abstain 1 (LORIMORE)**

**11. RATIFICATION OF THE CHAIRPERSON'S APPOINTMENT OF THE 2016 RCA EXECUTIVE COMMITTEE**

Chairman Montanez announced that he would like to appoint Board Member Jonathan Ingram as a new member to the Executive Committee.

***M/S/C (MONTANEZ/ASHLEY) to APPROVE THE RATIFICATION OF THE Chairperson's appointment of the 2016 RCA Executive Committee***

***Ayes 20 Nays 0***

After Agenda Item No. 11 was voted on, Board Member Jeffries mentioned that after Agenda Item No. 10, it was not announced that the item passed, so he assumed it must have failed.

Chairman Montanez stated that the item passed.

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Board Member Jeffries asked what the vote was.

Rose Esparza, Administrative Manager, announced that 20 Board Members are present, five voted against. Then corrected her statement to say that they had one abstention and three voted against.

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

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

Charlie Landry, Executive Director, reported that RCA is asking to reintroduce the standalone legislation this year through Congressman Calvert and Senator Feinstein. The Water Resources Development Act (WRDA) Bill is due to be reauthorized this year. There has been some contact with committee staff to include a similar provision that was included in TIFIA.

#### **12.2 Fee Credit and Waiver Policy Update**

Charlie Landry, Executive Director, reported that after the February 1, 2016 RCA Board of Director's meeting, staff made changes to the proposed policy based on comments from RCA Board Members, which included placing a cap on the amount of the Executive Director's approval authority. Following the Executive Meeting of February 17, 2016, staff made additional changes. As the details and procedures were being worked out, those changes were substantive enough that staff wanted to give the Executive Committee and opportunity to approve before placing the item on the Board's agenda. Staff is very hopeful that this completed proposed policy will be brought forward to the RCA Board of Directors on April 4, 2016.

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

Charlie Landry, Executive Director, reported that RCA closed escrow on Bautista Canyon, which is the largest purchase since the start of the plan. The acquired property totals 2,794 acres, which brings the reserve to 52,806 acres.

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

Chairman Montanez asked if any Board Member had items for next meeting. There being none, the meeting was adjourned to closed session.

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**15. CLOSED SESSION ITEMS:**

**15.1 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Paragraph 1 of Subdivision (d) of Government Code Section 54956.9

- **Case No. RIC1600058 A.T. Paulek; Friends of the Northern San Jacinto Valley vs. Western Riverside County Regional Conservation Authority, Coachella Valley Conservation Commission, California Department of Fish & Wildlife**
- **Case No. MCC1300351 JPR, Inc., dba Silverado Ranch Estates vs. California Department of Fish and Game; County of Riverside; Western Riverside County Regional Conservation Authority**

After Closed Session, the meeting was reconvened. There were no announcements from Closed Session.

**16. ADJOURNMENT**

There being no other items before the RCA Board, Chairman Montanez adjourned the meeting at 1:40 p.m. The next meeting of the Western Riverside County Regional Conservation Authority Board of Directors is scheduled for Monday, April 4, 2016, 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